



REPUBLIC OF TURKEY
ALTINBAŞ UNIVERSITY
Institute of Graduate Studies
Political Science And International
Relations

**EU MEANS AND MEASURES AGAINST IRREGULAR
MIGRATION: A CONFLICT BETWEEN HUMAN
RIGHTS AND SECURITY INTERESTS**

Fadi HELAL

Master's Thesis

Supervisor

Assist. Prof. Eylem AKDENİZ GÖKER

Istanbul, 2022

**EU MEANS AND MEASURES AGAINST IRREGULAR MIGRATION: A
CONFLICT BETWEEN HUMAN RIGHTS AND SECURITY
INTERESTS**

FADI HELAL

Political Science And International Relations

Master's Thesis

ALTINBAŞ UNIVERSITY

2022

The thesis titled “EU MEANS AND MEASURES AGAINST IRREGULAR MIGRATION: A CONFLICT BETWEEN HUMAN RIGHTS AND SECURITY INTERESTS” prepared by “FADI HELAL” and submitted on 10/08/2022 has been **accepted unanimously** for the degree of Master of Arts in Political Science and International Relations.

Assist. Prof. Dr. Eylem AKDENİZ GÖKER

Supervisor

Thesis Defense Jury Members:

Assist. Prof. Dr. Eylem AKDENİZ
GÖKER

Faculty of Economics,
Administration And Social
Science

Altınbaş University

Asst. Prof. Dr. Adil USTURALI

Faculty of Economics,
Administration And Social
Science

Altınbaş University

Assoc. Prof. Dr. Ahmet BEKMEN

Faculty of Political Science

Istanbul University

I hereby declare that this thesis meets all format and submission requirements of a Master's thesis..

Submission date of the thesis to Institute of Graduate Studies: ____/____/____

I hereby declare that all information/data presented in this graduation project has been obtained in full accordance with academic rules and ethical conduct. I also declare all unoriginal materials and conclusions have been cited in the text and all references mentioned in the Reference List have been cited in the text, and vice versa as required by the abovementioned rules and conduct.

Fadi HELAL



DEDICATION

This thesis is dedicated to my devoted family who has continuously inspired me to pursue success and has helped me in various ways to realize my goal of earning a master's degree. I am appreciative of their efforts and care.



ACKNOWLEDGMENTS

Numerous persons gave their support, assistance, and direction in the development of this thesis. I am very happy to finally have the opportunity to address the various personal debts I have racked up while preparing my thesis. The first obligation is owed to Allah, who has continued to bestow upon me his most abundant bounties throughout my whole life. Without Allah's mercy and direction, I would not have been able to work on my thesis and see it come to fruition. The second obligation I owe is a sincere appreciation to my thesis adviser, Assist. Prof. Eylem AKDENİZ GÖKER. I benefited professionally and scientifically from her notes, comments, and advice, she has been like a big supporting sister for me.

In addition, my deepest gratitude must be addressed to ALTINBAS UNIVERSITY, this prestigious educational monument that played a significant role in refining my educational personality as a Palestinian student who sought science and knowledge.

ABSTRACT

EU MEANS AND MEASURES AGAINST IRREGULAR MIGRATION: A CONFLICT BETWEEN HUMAN RIGHTS AND SECURITY INTERESTS

Helal, Fadi

M.A, Political Science and International Relations, Altınbaş University,

Supervisor: Assist. Prof. Eylem Akdeniz Göker

Date: August/2022

Pages: 113

Irregular migration has long been a contentious topic in international politics since it impacts all countries, whether they are origin, transit, or destination states. In order to combat this phenomenon in a way that upholds core principles and international legal commitments, several restrictive measures have been developed. This thesis examines the measures the EU has taken to handle the issue of irregular migration in a way that is consistent with its basic values and obligations under international human rights and security standards. It concluded that there is a gap between the actions taken by EU Member States and their compliance with the legal responsibilities relating to human rights and that more measures might be adopted to address this issue while upholding human rights and dignity.

Keywords: Irregular Migration, Illegal Migration, Human Rights, Securitization, EU Member States, Foreign Policy, Speech Acts, Frontex.

TABLE OF CONTENTS

	Pages
ABSTRACT	vii
ABBREVIATIONS.....	x
CHAPTER 1: GENERAL INTRODUCTION AND RESEARCH DESIGN	1
1.1 INTRODUCTION	1
1.2 RESEARCH QUESTIONS AND HYPOTHESIS	4
1.3 STUDY OBJECTIVES AND LIMITS	5
1.4 METHOD AND STRUCTURE.....	6
CHAPTER 2: A CONCEPTUAL DEBATE: ILLEGAL OR IRREGULAR?	10
2.1 REGULAR AND IRREGULAR MIGRATION	10
2.2 IRREGULAR MIGRATION	14
2.3 MOTIVES OF IRREGULAR MIGRATION	17
2.4 HUMAN TRAFFICKING AND SMUGGLING: A FORM OF IRREGULARITY.	19
2.5 CONSEQUENCES OF IRREGULAR IMMIGRATION	23
CHAPTER 3: IRREGULAR MIGRATION IN A LEGAL FRAMEWORK	26
3.1 THE LEGAL FRAMEWORK ON THE INTERNATIONAL LEVEL	26
3.2 THE LEGAL FRAMEWORK ON THE EUROPEAN LEVEL	29
CHAPTER 4: IRREGULAR MIGRATION AS A SECURITY ISSUE	35
4.1 MIGRATION AND SECURITY	36
4.2 STATE SECURITY VS HUMAN SECURITY	37
4.3 SECURITY AS A SPEECH ACT, ACCORDING TO THE SECURITY THEORY	47
4.4 SECURITIZATION THEORY	48

4.5 HUMAN RIGHTS CONCEPT AND PHILOSOPHY	53
CHAPTER 5: ANALYSIS OF EU MEASURES TO COMBAT IRREGULAR MIGRATION.....	57
5.1 FRONTEX	58
5.2 THE READMISSION AGREEMENTS: EU-TURKEY STATEMENT	62
CHAPTER 6: STATE’S SECURITY VS. EUROPEAN VALUES	68
CHAPTER 7: CONCLUSION	77
REFERENCES	82

ABBREVIATIONS

EU	:	European Union
ICJ	:	International Court of Justice
EUCJ	:	European Court of Justice
IR	:	International Relations
Frontex	:	European Border and Coast Guard Agency
IOM	:	International Organization for Migration
UN	:	United Nations
US	:	United States
Europol	:	European Police Department
TFEU	:	Treaty on the Functioning of the European Union
ARA	:	Annually Risk Assessment
NGOs	:	Non-Governmental Organizations
EC	:	European Commission
SAR	:	Search & Rescue Framework
UNHDR	:	United Nations Human Development Report
UDHR	:	Universal Declaration of Human Rights
UNHCHR	:	United Nations High Commissioner for Human Rights

UNCLOS : United Nations Convention on the Law of the Sea

CFREU : Charter of fundamental rights of the European Union

ECHR : European Court of Human Rights

EU GDP : European Gross Domestic Product

EUROSUR : The European Border Surveillance system

KWP : Kurds Workers' Party

EURODAC : European Asylum Dactyloscopy Database

UNHCR : The United Nations Refugee Agency

CHAPTER 1: GENERAL INTRODUCTION AND RESEARCH DESIGN

1.1 INTRODUCTION

Massive migration flows have been arriving in Europe for more than ten years via the Mediterranean Sea as people seek safety and a better life by escaping war, oppression, destitution, and torture in their home countries or those they are passing through. Since 2011, the Syrian civil war, the institutional collapse of Libya, and the political upheaval in Eritrea have all contributed to an increase in the number of irregular migrants trying to reach the southern and eastern external borders of the EU. In order to pursue a safe future for themselves and their children in a destination country that offers rescue and support, people put their lives, families, and property at danger at the time. All of these events left people in a dispersed and dire situation.

The elimination of borders between European Member States, the phenomena of globalization, open markets, the liberalization of goods, services, and capital, and technological improvement were further factors that facilitated migration movements. These factors contributed to differences in the economic, social, and demographic developments between developed and developing countries, which may be seen as providing incentives for a historically large number of people to migrate to a developed regions like Europe.

However, numerous countries started to tighten their borders in attempt to stop these enormous flows when they saw the damaging effects of these migrations in their own countries. This border restriction gave rise to a new complex phenomena known as "irregular migration," in which migrants started to find new routes and illegal ways to access EU territories due to the absence of legal channels provided by the Member States of the EU. The new irregular journeys were dangerous and risky, and they came with migrant exploitation by criminal organization groups who offered migrants deals in exchange for helping them travel through human traffickers and people smugglers to the EU.

The majority of undocumented immigrants that entered Europe during this time came from war-torn nations like Syria, Somalia, and Afghanistan (Frontex, 2015: 32). Additionally, the majority

of the time saw an increase in the number of unauthorized migrants. In 2014, Frontex recorded 283, 532 illegal immigrants trying to cross the Mediterranean. This is almost twice as many illegal immigrants as tried to cross the border in the previous year (Frontex, 2015: 12).

This results in a number of disagreements where it is claimed that while irregular migration is a problem to states, migrants experience instability and vulnerability. The phenomena of migration was once thought of as a humanitarian and social event where help is given to migrants to guarantee that they receive their basic human rights and maintain their dignity as people. But as irregular migration increased, especially in the wake of terrorist attacks in Europe like those in Paris and Brussels, it started to be seen politically as a danger to security and stability. In actuality, a division in these states' priorities and guiding principles emerged between, on the one hand, defending the state's sovereignty, its interest in upholding national security and ensuring the welfare of its citizens, and, on the other, its adherence to international laws, conventions, and treaties to guarantee migrants' safety.

These inconsistencies have an impact on the migration management strategies that the destination country will implement. Controlling who enters and remains on their territory is an essential component of a state's sovereignty, according to the Global Commission on International Migration's statement in 2005 (p. 66). This confirms the state's right to set its own policies and procedures for deciding who enters and leaves its borders. In Europe, xenophobia and public anxiety over immigration - particularly from irregular migrants - rose, highlighting the need for stronger immigration laws to stem the tide of immigration (Santel, 1995: 75). The EU member states began putting new immigration and asylum laws and policies into practice. Although policies varied in how they were carried out nationally or regionally, internally or externally, they all shared the same objective that is improving security and preventing irregular migrants from entering EU territory.

The EU focused its activities on border mechanisms such as hiring border guards and police, building fences and detention facilities, and expanding surveillance capabilities because borders serve as the state's external limits via which internal borders may be protected. International obligations to fight drugs, terrorism, and criminal activity were imposed by the growth of the

Schengen area, businesses, and external borders into monitoring and control networks. This interconnection between security and migration could be perceived as a “securitization” of migration that will be examined through this study through the Copenhagen and Paris school as new ways to understand security and how an issue could be securitized.

Migrants now have fewer legal options thanks to the strict legislation and processes that the EU and its Member States have put in place. However, it has also led to a rise in the quantity of unauthorized immigrants and their reliance on traffickers and smugglers. The ultimate result of the EU's strict laws was not only an increase in European security and stability, but also the creation of multibillion-dollar organized network businesses that posed threats to state security and violated the human security of migrants.

This thesis investigates the EU's initiatives to combat the phenomena of irregular migration, with an emphasis on Push-back tactics. The EU has the legal authority to externalize its practices, which have been critical in its collaboration with neighboring countries and pushback efforts. The thesis focuses on Frontex as a border control agency and the Readmission agreements that the EU is attempting to implement, with a particular emphasis on the EU-Turkey Statement as a Readmission agreement to expedite the return of irregular migrants to transit and origin countries. Considering Turkey is seen as the most ideal route to the EU by irregular migrants, it has become one of the most nations that send irregular migrants to Europe. Finally, this thesis investigates the detention facilities where migrants are imprisoned in frontline nations that were already overwhelmed, posing a threat to human security and the EU's obligations.

Because human trafficking and smuggling go hand in hand with irregular migration, there is a risk to the lives of migrants because their human dignity and rights are violated before, during, and after the voyage. Additionally, because of the circumstances in detention facilities, the incarceration of migrants sparked questions and concerns about human rights. Threats and violations against migrants include "exploitation and abuse, human trafficking, sexual violence, theft and extortion," as well as "physical danger" such as "dehydration, malnutrition, and disease" (Metcalf-Hough, 2015: 2).

1.2 RESEARCH QUESTIONS AND HYPOTHESIS

This thesis aims to answer different questions. Through the analysis, the focus of the study is to explore the measures adopted by the EU to tackle the phenomena of irregular migration that are stable with the EU's ultimate standards and international legal compulsions.

The main research question that this thesis seeks to find an answer to is:

What actions has the EU taken to address the phenomenon of irregular migration in a way that is compatible with its core principles and international duties in terms of human rights and security?

In addition, this study will also address several sub-questions:

- a. How have the EU's irregular migration policies led to the securitization of migration?
- b. How does the pushback migration adopt practices and border control violate international law obligations?

This thesis contends that the interests and security of the EU Member States, as well as their commitment to human rights standards, must be balanced. The study will make an effort to take on various viewpoints where there are numerous conflicts between the security of migrants and that of the state, calling on NGOs and human rights advocates to keep an eye on how EU Member States handle crises, adhere to international and regional norms, and fulfill their obligations to protect and advance the rights of migrants.

These restrictive measures led to rights abuses that prevented migrants from accessing protection, requesting asylum, integrating into society, or receiving services, particularly when they were being sent back to transit or origin countries where their lives were in danger. Despite having an irregular status, migrants' rights are guaranteed by a number of obligations, conventions, and treaties. The search and rescue vessels are required by law to fulfill a number of obligations, including one that requires them to individually assess each migrant's situation before returning them. This is done to prevent collective expulsions, which are illegal on both

an international and European level. Interception operations simultaneously violate a number of human rights, including the right to life, the concept of non-refoulement, and the treatment of migrants in a degrading manner. However, the report makes it clear that these crimes were implemented at the level of the Member States, such as Greece, rather than by the EU as a whole. As a result of these illegal acts against migrants from Greece, the Turkish government is burdened.

1.3 STUDY OBJECTIVES AND LIMITS

I picked the thesis topic for a variety of reasons, some of which are subjective and others which are objective. My goal to understand more about the EU's policy on migration and asylum, particularly irregular migration, has become a reality. Since arriving in Turkey, I've met a number of irregular migrants who have successfully regularized their status, which has fueled my interest in the subject.

Irregular migration has occupied a considerable arena in global politics, impacting all sorts of nations, whether they are origin, transit, or destination countries, and has sparked debates and interests throughout history. This matter has several elements that influence many sectors; nevertheless, in this thesis, I want to focus more on the actions used to address this phenomenon, which changed the issue from a humanitarian to a security-related concern. Furthermore, this topic has been regarded as one of the most contentious in International Relations, particularly in the field of migration and asylum, affecting other fields that intersect and influence one another, such as the economy, politics, societies, and justice, all of which are linked to the future of all Members of the International Community and the EU.

This study does not seek to provide justifications for irregular migration; rather, it seeks to examine the measures taken to combat the phenomenon and determine whether a balance was struck while implementing these measures in accordance with international and European human rights laws and conventions. Its goal is to put the thesis' theoretical notions, particularly the theory of securitization in the sphere of migration, to the test. I hope that my thesis will accomplish its goals and spark further discussions.

Several problems arose and were confronted pertaining to this issue while reading, gathering data, and writing the thesis. First, precision was required when indicating the most appropriate phrases and concepts in the thesis. As a complicated subject, scholars throughout history have coined numerous terminology, and diverse conceptualizations and critiques have not been effectively generalized or understood, resulting in a number of misunderstandings. As a result, understanding how to define and interpret terminology that must be used in the context of the thesis is necessary, as they may alter the context in different ways. Second, the data that are available are scarce; finding figures, statistics, and numerical data related to irregular migrants is difficult, and most EU countries' authorities and agencies do not publicly publish official documents that provide estimates of the size of irregular migration within their territory, so there is a problem of access to reliable and comparable data between states.

Studying the phenomena seems to be a difficult task because it involves various aspects and components. Most of them had to be thoroughly examined through numerous literature reviews, debates, and legal documents in order to gain a better understanding of them; however, most of the legal documents were not focused on irregular migration, necessitating more effort in the analysis to develop a suitable linkage that would serve as a foundation for the conclusion. Finally, because this is a changing, fast-moving phenomenon with changing patterns, numbers, policies, and impacts, it is impossible to maintain track of the changes on a continuous basis.

1.4 METHOD AND STRUCTURE

The process of gathering the data needed to produce the study is addressed in this section, as well as the research design and structure of the thesis.

1.4.1 Methodology of the Study

Through this thesis, a qualitative study will be used to "gather data on the various versions of reality" and examine how complexity operates across time (Marshall & Rossman, 2006, 53). In order to do this, I will have to evaluate, appraise, and compare any gaps in EU policy that permit "finding and description, including searches for underlying meanings, patterns, and processes, rather than quantity or numerical connections" (Altheide, 2000, 290). In addition, a secondary

analysis, which is a reanalysis of qualitative secondary data that have already been gathered in a prior study by a different researcher typically intending to answer a new research question, will be carried out (Payne and Payne, 2004, 214).

Since the focus of this Master's thesis is on policy consequences and changes, a stronger focus on textual materials fell under primary and secondary data, where text materials are compared and connected to one another. The study uses a variety of international and European legal laws and conventions as main data, including the 1982 United Nations Convention on the Law of the Sea (UNCLOS), Transnational Criminal Law, International Human Rights, and the 1951 Refugee Convention. Furthermore, the Convention Against Torture (CAT Convention), as well as several international charters and treaties such as the EU Charter of Fundamental Rights, the European Convention on Human Rights, and the Treaty on the Functioning of the EU (TFEU).

It also employs bilateral and multilateral agreements that are studied in order to develop a concrete analysis and findings as one of the measures adopted by the EU to combat the phenomenon, such as the EU-Turkey Statement. Furthermore, throughout the research, various reports from the European Council, the European Commission, and the Council of Europe, as well as policy papers from various agencies and bodies, such as Frontex reports, the Commission for Human Rights, and the Special Rapporteur on the Promotion and Protection of Human Rights and Fundamental Freedoms, have been examined. The International Court of Justice (ICJ), the European Court of Human Rights (ECHR), and the European Union's Court of Justice (EUCJ) were all used in this study.

In terms of secondary data, the thesis looked at a collective understanding of academic literature, articles, and journals; this descriptive technique will require me to look at irregular migration from many perspectives, with an emphasis on security and human rights. As a result, due to a lack of official Member State data relevant to my research, I based my thesis and content analysis on reports released by NGOs like Human Rights Watch and Amnesty International, which backed up my analysis and evaluation of the Pushbacks used against migrants. Since the "ECtHR" has approved these reports, they are regarded as authoritative. Furthermore, the figures

utilized to demonstrate the study were derived from Eurostat, Frontex, and the European Union Agency for Fundamental Rights data.

1.4.2 Structure of the Study

The following master thesis is organized into seven chapters in order to offer the most comprehensive understanding of the subject. The first chapter of the study presents the topic and outlines the methodology, research design, research aims, and restrictions, followed by key guidance on the study's major question, sub-questions, and hypotheses. The second chapter adopts a section of the study's literature review, clarifying the key terms that will be used throughout the study, focusing on the irregular migration phenomenon with its dimensions, challenges, and motivations, and the final section of the chapter discusses human smuggling and trafficking as they are directly linked to the phenomenon. The third chapter then discusses the legal framework as well as numerous human rights duties related to migration and irregular migration on both an international and European level.

Furthermore, the fourth Chapter continues the literature review section by presenting a brief theoretical overview of security in international relations studies and at the European level. Later in the chapter, the nature of the relationship between state security and human security is discussed, drawing on a variety of scholarly literature to demonstrate the link between security and migration. Finally, the thesis uses the theory of "securitization" of practices as an analytical framework for the research. The fifth chapter examines the EU's strategies, measures, and practices for combating irregular migration, with a particular focus on Pushback strategies such as the creation of Frontex and its policies, as well as the EU-Turkey statement and other instruments used by the various Member States to reduce migratory pressure at their external borders.

The sixth chapter addresses the measures implemented in Chapter 5, relating them to the legislative framework and the securitization theory, and debating if there is a relationship between EU principles and their implementation in practice; an assessment will be formed.

Finally, in the last chapter, conclusions will be drawn, summarizing the findings and responding to the study questions.



CHAPTER 2: A CONCEPTUAL DEBATE: ILLEGAL OR IRREGULAR?

Since this thesis focuses primarily on migrants who enter the EU illegally or cross the border unlawfully, it is important to go through the ideas of irregular migration and other related words in order to establish a basic conceptual framework for a fully-fledged discussion.

2.1 REGULAR AND IRREGULAR MIGRATION

Several efforts have been made to come up with a clear and consistent definition for the terms used to describe those who enter a nation's border without permission or stay and operate in a country without a legal basis. Therefore, it is crucial to define some common concepts and terms related to the focal issue of our discussion.

At the outset, irregular migration has to be defined in its simplest form. According to the International Organization for Migration (IOM), a migrant is defined as “any individual who travels across an international boundary or inside a state away from his or her regular domicile” (Perruchoud and Redpath-Cross, 2011, 62-63). In order to define irregular migration, the following questions concerning the nature of this movement should be proposed and it should be clarified whether the movement depends on a choice or coercion. In this regard, the roots of such a movement offer a hint about its general character. Again, the duration of stay is another crucial dimension characterizing the refugees, internally evacuated persons, economic migrants, and those traveling for other reasons such as family reunions (Perruchoud and Redpath-Cross, 2011, 62-63).

To adopt the most suitable term that fits the thesis context, it is crucial to review all those criteria. Illegal entrance, undocumented migrant, and irregular migration are all words frequently used by the International Organization for Migration (IOM) to describe the status of such migrants. “A person who enters a country without legal paperwork but manages to enter secretly.” “B “a person who arrives or stays with legal paperwork but stays longer than permitted or otherwise violates the terms of entry and remains without authorization.” (Perruchoud and Redpath-Cross, 2011: 102).

Additionally, the term irregular migrant is perceived by the IOM as a form of migration that does not meet the regulatory norms of the origin, transit, and receiving countries. According to the IOM, it is "a person who lacks legal status in a transit or host country due to unlawful arrival, breach of a condition of entry, or the expiration of his or her visa." (Perruchoud & Redpath-Cross, 2011: 54).

On a European level, Article 5 of the Schengen Border Code outlines the requirements for determining whether a person's migration entry is legal, regular, or illegal. "Carrying a valid visa, an adequate explanation of stay and means of sustenance, no Schengen Information System notice, and no threat to public policy, internal security, healthcare, or the international community." (Schengen Border Code, Regulation 562/2006).

In their discussions and conventions, several EU organizations used the term "illegal immigrants". The EU defines illegal stay as set out in Article 5 of the Schengen Borders Code "the presence on the territory of a Member State of a third-country national who does not meet or no longer meets the conditions of entry or other conditions for stay, or residence in that Member State". Article 25 of the Return Directive (2008) establishes common guidelines and rules for returning illegally remaining third-country persons in the Member States. (Return Directive 2008/115/EC).

It is clear from our analysis that irregular migrants are classified identically in international texts. Irregular migration encompasses more than just border crossing; it also encompasses various sorts of irregularities, such as a residence or job status. According to Baldwin (2008), many types of irregular migration are connected to the destination country's current legislation and policies. He claims that there are many types of "illegal migration", including entering a territory without authorization, using false documents, visa overstaying" in which people enter the country legally and then stay after their legal status expires, or entering as asylum seekers and staying after their application is rejected. Finally, formally legal residents might lose their legal status as a result of illegal work or as a result of administrative or political changes in granting residence permits. (Baldwin, 2008: 1450)

Besides, the United Nations, non-governmental organizations, and pro-migrant groups in Europe attempt to use the term irregular or undocumented migration. Riedel (2011) argues that the difference between “illegal” and “irregular” migration is that illegal migration is linked to breaching the norms and laws, while irregular migration is linked to the violation of the immigration rights and laws (12).

Moreover, Khalid Koser (2005) believes that the word "irregular" migration is preferable to "illegal" migration for a variety of reasons. To begin with, the term "illegal" refers to criminals, while the vast majority of irregular migrants are not criminals. Second, the phrase "illegal" dehumanizes individuals or migrants. Finally, identifying migrants as "illegal" has an impact on asylum seekers who are in irregular circumstances that may damage their claims (Koser, Khaled.2005).

There have been various disagreements about the terminology used at the European level. In 2006, the European Union Parliamentary Assembly passed Resolution 1509 addressing irregular migrants' human rights. The Assembly favors the phrase "irregular migrant" to "illegal migrant" (Resolution 1509, 2006) since it is viewed as a neutral term, according to Article 7. While the European Parliament passed a resolution on fundamental rights in the European Union 2004–2008 (2007/2145(INI)) in 2009, it "calls on EU institutions to end using the phrase 'illegal immigrants, which has very negative associations, and instead to ascribe 'irregular/undocumented workers/migrants.'" (Situation of fundamental rights in the European Union, 2009).

Furthermore, the UN Special Rapporteur on the human rights of migrants argued that "migrants may be irregular or in an irregular situation, but they are not illegal." Incorrect terminology contributes to negative discourses on migration, reinforces negative stereotypes about migrants, and legitimizes a discourse of migration criminalization, which contributes to further alienation, marginalization, discrimination, and violence against migrants (Cr epeau, 2013, 3).

Based on the UN Special Rapporteur’s argument and Koser’s statements one can formalize that migrants can never be illegal themselves, only the activities that they are sometimes engaged in could be linked to criminalization terms. Migrants who cross the borders without documents to

seek asylum and fulfill their needs are not committing crimes, so they should not be perceived as criminals. Further, the word "undocumented" is inappropriate for use in this thesis since it does not encompass all types of irregular migration, as many migrants arrive legally or are dispatched with legitimate documents but subsequently stay or work irregularly. To summarize, the term "irregular" appears to be a better match for the thesis because it is often used worldwide and by human rights groups, and this thesis will also examine migrant rights. The phrase "irregular" will be used as a general term, with the term "illegal" reserved for EU publications that prefer this term.

Within the limitations and scope of this study, it would be impossible and unnecessary to cover all dimensions of the highly complicated and problematic phenomenon of irregular migration. Still, it needs to be elaborated at least with regard to its major underpinnings and repercussions. Irregular migration is an obvious worldwide problem for governments on the one hand, and migrants on the other. According to Koser (2005: 2, 6), irregular migration creates a conflict between the state's right to maintain and manage its borders and migrants' interests, which are often vulnerable to instability. This creates a difficult-to-reconcile tension between national sovereignty and human rights.

Another issue with the phenomenon is its inconsistency. Irregularity is a dynamic phenomenon involving several factors. First, there are various routes for irregularity and with the existence of globalization and technologies; more routes are being discovered each time. Second, an irregular migrant's situation is not fixed, since a migrant's legal status might change quickly, adding to the complication. For instance, a migrant may enter a nation illegally but later regularize their status by requesting asylum or participating in other regularization initiatives. In contrast, if a migrant enters legally but then overstays a visa or works without authorization, it will hurt how asylum seekers are seen and impede their ability to get their rights. According to Ruhs and Anderson (2010: 197), illegality is defined as a mix of unlawful residency and illegal work. Because data on irregular migration necessitate "counting the uncountable, nations and organizations find it challenging to generate statistics and numerical analyses. (Triandafyllidou and Vogel, 2010: 297).

Consequently, irregular migrants who are not formally documented or registered try to remain undetected and unnoticed by destination nations and authorities, making the issue more difficult to manage. Eventually, because migrant smuggling and human trafficking are two of the most serious forms of irregular migration, the connection to migration and the differences between these terms will be discussed in the next section. Keep in mind that the word irregular migration will be used throughout this thesis based on the IOM's definition, which is the broadest, and how it is linked to transnational crime.

2.2 IRREGULAR MIGRATION

In the US, research on irregular migration as a distinct social phenomenon really took off in the 1970s. Since then, the scholarly interest has expanded steadily, initially to Europe and more recently to other parts of the world. This interest can undoubtedly be linked to the growing focus on the study of migrations more generally (Castles & Miller, 1993). The wide and intricate social and economic changes, which are frequently grouped under the umbrella of "globalization," can be related to the trend. Even though it gained pace throughout the 1980s, the 1990s saw a spike in interest in the topic of irregular migration. The escalation of the so-called "migration crisis" (Zolberg & Benda, 2001) and the emergence of irregular migration as a pervasive social fact caught the attention of both the general public and academia on both sides of the Atlantic. Furthermore, irregular migration has evolved over the past several years from a problem that initially seemed to solely affect high-income regions of the world to one that now affects medium- and low-income ones (Cvajner & Sciortino, 2010a).

As a result, after a two-decade gap, a subject that had been largely peripheral for a long time (Anderson & Ruhs, 2010) was the subject of several investigations as well as consistent and varied literature. The research on this phenomenon has unavoidably taken a multidisciplinary approach due to its complexity, various dimensions, and degrees of social interaction. The body of knowledge has grown quickly in many areas, and irregular migration is now a significant area of study within migration studies.

Given that migration is a complicated and multidimensional social phenomenon, language concerns have been the subject of an important and ongoing discussion. Unofficial, unlawful,

unregistered, clandestine, unauthorized, informal, sans paper, etc. are just a few of the terminology and definitions that have been put out (Baldwin-Edwards & Kraler, 2009; Düvell, 2006). Each of them has some benefits and drawbacks, as well as a distinct focus or emphasis. As De Genova (2002) noted that the choice of a phrase is not chosen in a social space or in an impartial method from a political standpoint, thus it should not be taken at face value.

In reality, it is not surprising that the choice of language has taken on a contentious tone in a subject that has become more politicized (Anderson & Ruhs, 2010). Researchers have had to deal with social meaning and connotations that the various terminologies have in certain situations in addition to the usual epistemological concerns of perspective and definition. This problem has gotten worse, especially in the previous ten years.

In the public discourse and media, a number of unfavorable societal myths and stereotypical images typically connected to criminality (Castles, 2010; Coutin, 2005; Dal Lago, 2004) have been linked to irregular migration. The use of the term "illegal migration" has perhaps generated the most intense debate. On the one hand, some academics have argued that this phrase adds to false societal beliefs and has a criminalizing effect (Koser, 2010). Similar to how others have claimed that its use is just erroneous because a person cannot do an illegal act, only an act can be considered illegal (Castles, 2010).

However, other academics claim that the phrase should only be used critically. According to this viewpoint, it is specifically the social and political creation of "illegality" and its effects that require inquiry, especially the process by which migrants turn into "illegal migrants" (De Genova, 2004).

Overdue this conceptual argument is a conceptual one that is more important and linked. Whatever term is chosen, it must be clear what phenomenon it refers to and from whose viewpoint it is being used. There is a general but not universal agreement that the phrase should refer to a migrant's interactions with a system of laws created by the state rather than to the migrant themselves (De Genova, 2002).

The relationship between human movement across social spaces and the implementation of policies within those same areas would then result in irregular migration. According to this interpretation, "the adjective, irregular, does not belong to the area of a description of the migration movements, but rather to their interactions with political restrictions" (Sciortino, 2004b, p. 21). As soon as it is realized that there are numerous conceivable types, degrees, and dimensions of irregularity (Baldwin-Edwards & Kraler, 2009; Broeders & Engbersen, 2007; Düvell, 2011c).

The phrase, in fact, can refer to a variety of legal statuses that indicate extremely varied social and economic conditions, different kinds of social stratification and hierarchy, as well as migrants' failure to comply with the laws of admission, residence, work, or a combination of these. (Sciortino, 2013)

In addition, status is less defined than one might anticipate, leaving the possibility of formal informality, legal ambiguity, semi-legality, and legal illegality (Düvell, 2011b). In addition, "there is presently a collection of interpretative frames, clichés, folk wisdom, icons and slogans that make the notion of irregular migration a part of a complex symbolic discourse" (Cvajner & Sciortino, 2010b, p. 390). The final point is that "the meaning of irregularity moves across time and location, it is a fluid construction"; "It is not an "on-off" condition, but rather a bundle of statuses differentially meaningful in different situations" (Ruhs & Anderson 2006 in Bommes & Sciortino, 2011, p. 219).

Migrants can enter and exit irregularly in different ways, for longer or shorter durations of time, depending on where they are (Reyneri, 1998). States have the power to convert unauthorized immigrants into authorized foreign residents or vice versa "with the single stroke of a pen". (Sciortino, 2013)

The second strategy has been to create taxonomies for various forms of irregularity (Bloch & Chimienti, 2011). There have been many different criteria applied: smuggling, trafficking, voluntary or forced irregular migrations; the length of stay (limited, circular, or settlement-irregular migration); the types of law violations (irregular entry, residence, or work); the channels and motivations; and the irregularity itself (family, refugee, or labor irregular

migrations) (Düvell, 2011b). Recently, the difference between spatial or migration flows, demographic flows, and status-related flows have been presented with regard to the various paths in and out of irregularity and to represent the diversity of alternatives. (Kraler & Reichel, 2011)

2.3 MOTIVES OF IRREGULAR MIGRATION

Many scholars debate the quantity and reasons that influence migrant movement and decision-making, leaving evidence of the nature of irregular migration's complexity (De Haas, 2011, 15). To better understand the bleak prospects of this phenomenon, it is necessary to explore the push and pull elements that dominate academic and non-academic literature.

Focusing on one's perceived experiences, apparent self, and distinctive pattern of compliance, addressing one's self-concept is a crucial element in researching and comprehending the personality of the irregular immigrant. The theory of motivation, established by Abraham H. Maslow, is being used to reveal the push and pull elements of the irregular migration phenomenon to better understand why migrants leave their home countries for transit or destination nations. He created the idea of the qualitative system for the formation of wishes, which is one of the most important psychological theories that investigated people from the perspective of their social and psychological requirements. Maslow believed that an individual's wants rise in a hierarchical order from bottom to top in the shape of an ascending hierarchy, with the first level of demands being met and satisfied before moving on to the second. These are the levels of the individual needs: physiological, safety, social, esteem, and self-actualization (Dohlman et al., 2019, 2).

Maslow's motivational theory is reflected in migratory behavior as people seek to meet wants that are not met in their native nations. Because numerous factors, such as economic, political, social, and security, have been recognized as contributing to irregular migration, an imbalance of these motives leads to the amplification of the issue. Migrants typically flee their home nations in search of a safer environment where they can meet their basic requirements, such as food, shelter, and safety. They begin to search for ways to meet additional needs in the pyramid after they are met. Moving to the level of social attachment is required when migrants seek the

presence of family, friends, and groups, particularly when other family members are seeking unification in other countries.

Therefore, a person must believe that his self-esteem is one of the sources of his happiness, resulting in self-satisfaction and a strong sense of self-happy. Maslow states in his theory that after a person has met his basic requirements, he wants to meet a higher need, progressing from one stage to the next until he has met all of his needs by attaining himself and many of his objectives (Dohlman et al., 2019, 7-8).

When considering migration rationally, one is prepared to make migration decisions if they recognize a significant benefit that will benefit them or meet their demands, and if they can afford it, as irregular movement necessitates a significant amount of savings and expenditures. "People will only migrate if they see greater possibilities elsewhere and have the capacities to relocate," writes Heine De Haas (2011: 14). Lee (1996) says that the elements that are associated with migration motivations are tied to the destination nations of migration and the rewards that they are hoping to attain there when researching these aspects.

Furthermore, several elements, such as migration rules and regulations, geographical distance from home nations, personal issues, and difficulties that migrants may encounter in their origin countries, are connected to the hurdles that migrants may experience along the voyage. Costs of travel or migration, bad health, and the geographical distance between the origin and destination nations are all factors to consider (Lee, 1996: 49-51).

When it comes to the Push-Pull elements of migration, the push factors are those that cause individuals to leave their native countries. This might involve things like demographic growth, low living standards, lack of economic opportunity, and political repression, among other things. On the other hand, the pull factors are concerned with the benefits that attract immigrants to a certain country. These variables include a variety of substantive aspects such as economic, political, cultural, and social factors that migrants lack in their home countries but which present in the destination country, such as freedom, liberties, security, democracy, and education (Castles et al. 2014, 27-28).

The global economy is constantly evolving, resulting in differences in regional economic systems and driving individuals to migrate from weak and underdeveloped economies to newly developed areas. In addition, migration networks are part of the push-pull factors. Linking it to Maslow's theory since these networks such as family networks, provide a significant insight for third-country nationals and irregular migrants due to cultural differences (Fischer, 2006, 23-24).

When irregular migrants look at the European Union as a whole, they see it as a structure that can help them acquire economic and social benefits while also providing them with a haven. For migrants, countries like the EU are seen as stable. According to Papadopoulou-Kourkoulou (2008: 80-81), migrants see the EU as a destination where they may enjoy freedoms, respect for human rights, welfare, refugee protection, and work prospects that meet their requirements. The improved growth of European countries served as a draw for migrants. Moreover, migrants are more positive about moving to Europe because they see these prospects as benefits that address a variety of life requirements (De Haas, 2010: 228), such as better employment, better education systems, welfare, and healthcare systems.

2.4 HUMAN TRAFFICKING AND SMUGGLING: A FORM OF IRREGULARITY.

As previously mentioned, the phenomena of irregular migration interact with numerous causes, in which individuals seek a better life with more rights and wealth in a nation with fewer restrictions. Smuggling and human trafficking are two kinds of irregular movements that have gotten a lot of attention in literature and discussions. They are related to other forms of organized crime including terrorism, human trafficking, and money laundering, which makes them even more urgent to battle.

Criminal networks organize and carry out the journeys of illegal migrants crossing the EU. To boost their earnings, they use unsafe routes and cram as many people as possible onto unseaworthy vessels with little safety equipment (Amnesty International Report, 2017, 10).

At the level of international legislation, several laws have been enacted to combat this problem, one of which is the UN ad hoc Committee on the Elaboration of a Convention against

Transnational Organized Crime's proposal in Vienna in 1999, which was opened for signature by 2000, and which distinguished between the concepts of "trafficking" and "smuggling." Human trafficking is defined as "the threat or use of force or other types of coercion in the recruitment, transportation, transfer, sheltering, or receiving of individuals, kidnapping, fraud, deceit, the misuse of authority, or a position of weakness or vulnerability". According to Article 3(a) of the United Nations Protocol to Prevent, Suppress and Punish Persons Trafficking, Particularly Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime (2000). Exploitation includes, at the at least, the use of another person for prostitution or other forms of sexual exploitation, forced labor or services, slavery or acts that are similar to slavery, imprisonment, or organ harvesting.

While the United Nations Protocol Against the Smuggling of Migrants by Land, Sea, and Air supplements the United Nations Convention against Transnational Organized Crime, Article 3(a) of the UN Protocol Against the Smuggling of Migrants by Land, Sea, and Air is a new addition to the UN Protocol Against the Smuggling of Migrants by Land, Sea, and Air (2000). Literally, smuggling is described as the act of bringing anything into the country illegally and "the purchase of a person's unlawful entry into and/or illegal residency in a country where the person is not a national or permanent resident for the purpose of profit." (U.N. Convention against Transnational Organized Crime, 2000).

According to these definitions, human smuggling can be defined as a service provided by smugglers to migrants in which both parties benefit, and smugglers as people who offer and provide irregular channels and organize transportation for migrants to cross and enter other territories while volunteering to do so. Nonetheless, smuggling becomes a trafficking when there is a compulsion, such as when migrants are being kidnapped, defrauded, or robbed without regard for their rights. According to John Morrison and Beth Crosland's research paper "The trafficking and smuggling of refugees: the ultimate game in European asylum policy?" That trafficking occurs when: "A migrant is illicitly engaged (recruited, kidnapped, sold, etc.) and/or moved, either within or across international borders; Intermediaries (traffickers) obtain economic or other profit through deception, coercion, and/or other forms of exploitation under conditions that violate migrants' fundamental human rights." (Morrison & Crosland, 2001: 5).

In academic literature, many authors developed various definitions of trafficking and smuggling. Salt and Stein (1997: 471) conceptualized trafficking as an illegal migration business, "trafficking is the practice of trading 'illegally' in the movement of people". Many authors argue that this kind of migration business is evidence that migrants are turning to the service of traffickers (Salt and Stein, 1997, 469). According to the Director of Europol (2016), "more than 90% of all migrants arriving in the European Union employ the facilitation services of a migrant smuggling network at some stage during their route" (Joint Europol-INTERPOL Report, 2016, 2). Migrants prefer to cooperate with these networks, as they perceive them as the survival boat of their lives that offer them the opportunity to migrate to a better country and cross its border.

Scholars approaching the phenomenon of smuggling and trafficking from a different angle focused on the issue of human security. This issue is also linked to migrant human rights. Most people who are trafficked or smuggled are abused, charged exorbitant costs for their voyage, stolen, and forced into debt bondage. Others may be exposed to physical or sexual abuse. Gallagher (2009) contends that "trafficking and migrant smuggling are two distinct crimes involving helpless, virtuous victims on one side and dumb or selfish explorers, complicit in their misery, on the other." She includes other phenomena in the interpretation of trafficking such as conventional financial bondage systems, the prostitution of children, new types of debt bondage in the sex business, and different forms of labor exploitation that took place in the trafficking sector on a global scale (Gallagher, 2009: 815–816). She describes human trafficking as "an instance in which exploited persons are victims of both a serious crime and a violation of human rights". (Gallagher, 2009: 817)

Migrant smuggling and trafficking are very successful businesses because smugglers treat people as goods or commodities. Smugglers frequently use riskier routes to comply with EU laws, regulations, and measures aimed at reducing detection risks; nevertheless, because this problem is fluid, new routes and hotspots may emerge. "Migrant smugglers organizations have proven to be adaptable and robust, swiftly altering the routes used to transport migrants to the EU in response to law enforcement activity," writes Europol Director Rob Wainwright in the Migrant Smuggling Networks Joint Europol-Interpol Report (2016: 2).

Furthermore, because it is viewed as a profitable multinational illegal business, the profits made from it are not officially available or published, but one of the operations that took place on January 1, 2015, by the Joint Operation Triton, which held 360 migrants on board, was estimated to have earned smugglers around EUR 2,5 million (European Commission, 2015, 1). Moreover, human smuggling and human trafficking also differ in terms of organizational structure, according to Burke (2008: 104-105), who claims that human trafficking operates under highly and well-organized criminal structures to develop migrants trading and transporting, whereas human smuggling is a small-scale business run by locals and relatives. This might be seen as proof that human smuggling is a multibillion-dollar industry run and controlled by well-organized international criminal groups and drug cartels (Pastore et al., 2006: 96). Well-organized criminal organizations, on the other hand, are aware of the Member States' obligations not to return an individual to a country of origin that is unsafe and breaches human rights; they work to construct well-planned and structured irregular movements and routes.

To conclude, a rise in people smuggling and trafficking might be seen as one of the reasons for the implementation of tougher border security and control measures in the EU. Adopting a strict restrictive measure is a priority for the EU to control human trafficking and smuggling networks. As these networks affect the economies, security, and societies of origin, transit, and destination countries on the one hand, and the lives of smuggled migrants and other migrants in need on the other, as they are linked to criminal activities on the international and national level. The EU's member states must show they are capable of properly defending their borders from vicious organizations that prey on the hope and desperation of undocumented immigrants and refugees (European Commission, 2017, 1). Furthermore, on May 13, 2015, the European Commission approved the European Agenda on Migration, which emphasized the need to prioritize the fight against migrant smuggling, prevent migrant exploitation by criminal networks, and lessen incentives for irregular migration in order to shift migration smuggling networks from "low risk, high return" operations to "high risk, low return" operations. The European Commission (2015).

These increasing dangers necessitate longer time with the dangerous routes to generate more money, endangering the lives of migrants by loading bigger numbers of people into unseaworthy

boats with insufficient safety equipment and gasoline to reach international seas. (Amnesty International, 2017: 10)

2.5 CONSEQUENCES OF IRREGULAR IMMIGRATION

To sum up, a significant body of this thesis has examined how irregular migration affects host societies. These have been examined from a variety of angles and have typically sparked contentious discussions. Three questions, in particular, have been crucial: (A) what impact does irregular immigration have on the economies of the hosting countries? (B) What political effects are there? (C) And what social impact does irregular migration affect the destination countries?

2.5.1 Economic Consequences

Numerous issues have been brought up from an economic perspective, such as how irregular migration affects things like production, consumption, fiscal outcomes, wage distribution, market segmentation, etc. (Düvell, 2006; Koser, 2010). According to Hanson (2007), there is a pervasive notion in receiving societies that irregular migration has a detrimental impact on the economy. These concepts, however, are rarely based on thorough economic assessments and instead rather stem from ideological viewpoints or uncomplicated prejudices.

The advantages of irregularity (increased labor availability, better resource use, rise in tax revenues) while the disadvantages of irregularity (usage of public services and infrastructures, impact on some pay) need to be acknowledged in a more objective manner.

The fact that these benefits are not equally dispersed and that some aspects of society may gain while others may lose must also be taken into account. Hanson comes to the conclusion that irregular migration generally has little effect. If it does, it is because there is a sound economic justification, at least on the part of the producing system. In particular, irregular migration is a considerably more effective and adaptable alternative than legal migration for those businesses that are impacted by market swings (Hanson, 2007).

The hypothesis of a substitution effect between native employees and irregular migrants is another well-established theory about irregular migration. There is not much support for this in

the research (Van Meeteren, 2010). On the other hand, a complementary role has become more likely. According to Düvell (2011a, p. 64), irregular migration may even create new marketplaces for jobs and allow indigenous communities to access the labor market.

In this regard, he offers a case study of how the accessibility of ad hoc employees might lead to a healthy economic cycle. Low-income households can afford to hire migrants as domestic help because of their low earnings. On the one hand, this develops a new labor market. However, it also "releases indigenous women from housework and enables them to re-enter the labor market." Household incomes grow, state revenues increase, and a new market for cheaper goods and services for low-wage workers is created. (Düvell, 2011a, p. 64)

The effects of irregular immigration on the welfare state and, more broadly, the state budget have received a great deal of attention (Baldwin-Edwards, 2004). Generalizations are problematic since every national setting is unique, according to Bommers and Geddes. Each state has a unique conception of the nation that is historically anchored, a unique definition of allegiance, a unique immigration history, and a unique welfare system. As a result, each state employs a variety of organizational infrastructures to provide a distinct spectrum of public services (Bommers & Geddes, 2000). This implies that it will be necessary to distinguish between the effects of irregular migration and that each circumstance calls for a separate examination.

However, as Düvell noted, there is frequently absolutely no negative welfare element in many states, where irregular immigrants avoid interacting with statutory agencies and have limited or no access to public services (Düvell, 2006, 2011a, p. 64).

Unfair labor competition, declining wages, displacement of native workers, deterioration of the power dynamic between organized labor and employers, tax evasion, unauthorized use of social services, overcrowding of the housing market, undermining of the rule of law, and exploitation and the emergence of criminal milieus are among the other potentially negative effects of irregular migration that have been raised. Nevertheless, because of the extremely low numbers, these occurrences often only occur on a tiny scale (Koser, 2010).

2.5.2 Political & Social Consequences

The effects of irregular migration on politics and society have also received a great deal of attention. Research has also had to contend with pervasive prejudices in this case.

Questions about the actual strength of nations were aroused by the perception of a continuous invasion, which was frequently encouraged by the sensationalized use of images and headlines in the media. Particularly, it appeared that irregular migration put their sovereignty and internal security in peril (Broeders, 2009). Particularly following the terrorist attacks in the US and Europe in the early 2000s, this second factor became more important (Huysmans, 2006). Right-wing parties have developed in a number of nations to organize and communicate anti-immigrant sentiments. (Freeman, 1995)

More broadly, a phenomenon that had been largely peripheral up until that point began to receive more and more attention and started to be discussed in public (Kraler & Rogoz, 2011). Despite the fact that irregular migration seriously harmed receiving states, the public's fascination with the topic and the swift politicization that followed led the majority of governments to give it a high priority. As was previously indicated, the main outcome was a general tendency toward restriction and widespread adoption of laws and programs specifically targeted against illegal immigrants.

The metaphors and catchphrases that were employed, such as "zero migration policy," "Fortress Europe," "Panopticon Europe," and "prevention through deterrence," skillfully reflected the paradigm shift (Broeders, 2009). There were several effects of these advances. When it comes to migration, the costs to both individuals and the environment have substantially increased; formerly circular or seasonal flows have become permanent settlements, and the importance of people smugglers and human traffickers has grown. (Broeders, 2009)

CHAPTER 3: IRREGULAR MIGRATION IN A LEGAL FRAMEWORK

Since irregular migration is considered a complicated phenomenon, it will be difficult to determine the main terminology and legal framework that govern it. Pre-border, border, and post-border restrictions are all part of the enforcement strategy for irregular migration. Before moving on to the EU's reactions in terms of measures and practices, this chapter looks at the legal framework and human rights commitments.

It is vital to understand and be familiar with international and European legislation in order to provide an adequate response to the study issue that will be used as a pillar to build on the subsequent arguments. In this section, various international and European human rights requirements relating to the rights, and position of the migrants and the refugees will be explained and discussed with regard to the implication policies.

3.1 THE LEGAL FRAMEWORK ON THE INTERNATIONAL LEVEL

3.1.1 Migrants And Refugees' Human Rights

On an international level, the legal framework linked to human rights needs to be examined in order to fully capture the true nature of irregular migration. Many conventions have been adopted, including the United Nations General Assembly's endorsement of the New York Declaration for Refugees and Migrants in 2016. This proclamation emphasizes that migrants and refugees, whatever of their legal status, have rights and are subject to the same universal human rights and basic freedoms as people and that the Member States are committed to protecting them. (UN General Assembly, 2016).

The Universal Declaration of Human Rights, a legal declaration established by the United Nations General Assembly in 1948, states that human rights must be embraced and defended universally at the global and regional levels. According to the law of the UN General Assembly. Article one states that "all human beings are born free and equal in dignity and rights". Furthermore, article 2 states that "everyone is entitled to all of the rights and freedoms outlined

in this Declaration, without distinction of any kind, such as race, color, sex, national or social origin, birth, or any other status". (UN General Assembly, 1948)

Moreover, human rights are linked to other values on a global scale. Other human rights concepts were accepted through the Universal Declaration of Human Rights (1948), including the right to equality and the prohibition of discrimination in Article 2, as well as "the right to life, liberty, and security of person" in Article 3. Therefore, the right of people to migrate and seek asylum is considered an important topic in this thesis. The principle of freedom of movement is found in the UDHR (1948) article 13.2, which states, "everyone has the right to leave any country, including his own, and to return to his country," and Article 14.1 states that "everyone has the right to seek and to obtain asylum."

Thus, despite their legal status, migrants are considered human beings fleeing persecution, torture, and conflicts in search of a safer place to meet their basic needs, and all of the provisions adopted in these international human rights instruments apply to migrants, refugees, and asylum seekers. Al Hussein, the UN Commissioner for Human Rights, makes this claim in 2014, claiming that international human rights law mandates that all migrants have the right to exercise their human rights, regardless of their legal status, method of entry, place of origin, or appearance. He further stated that foreign migrants should not be stripped of their humanity or rights due to their potential irregular situation. (UNHCHR, 2010).

Other international conventions and treaties that emphasize the importance of protecting human rights when discussing migration were also noted by several authors, such as the International Covenant on Civil and Political Rights (1966), which states in Article 7 that "no one shall be subjected to torture or cruel, inhuman or degrading treatment or punishment." Moreover, Article 12 from the same convention stated that "Everyone shall be free to leave any country, even his own". Moreover, certain legal frameworks, such as the Convention on the Rights of the Child (1989), are particularly concerned with the rights of children.

According to Article 12 in the International Covenant on Civil and Political Rights (1996), the rights declared in Articles 7 and 12 "shall not be subject to any restrictions except those which are provided by law. It is necessary to protect national security, public order, public health,

morals, the rights and freedoms of others are consistent with the other rights recognized in the present Covenant”. This could support a formation of a nexus between human rights and national security limitations.

3.1.2 Borders Management

When overweighing migration and border control laws on the international level, it is necessary to take into consideration that under international law, states have the right to control movement across their borders. Borders control is one of the pivotal tasks and responsibilities of the nation-states to secure their citizens and sovereignty. Accordingly, as clearly identified in UNHCR, borders might be defined as “the politically defined boundaries separating territory or maritime zones between political entities and the areas where political entities exercise border governance measures on their territory or extra-territorially” (UNHCHR, 2014, 4).

Since sea migration is one of the most common forms of irregular migration, it is crucial to reform the law governing sea rescue. People rescue is a legal requirement that must be accomplished, and a responsibility that is carried by the shipmaster. According to Article 98 of the United Nations Convention on the Law of the Sea "Assist any person found at sea in danger of drowning, and proceed with all possible speed to the rescue of those in distress if advised of their need for aid, to the extent that such conduct is properly anticipated of him" (UN General Assembly, 1982).

I should mention that all EU Member States have ratified the UNCLOS, it is therefore bound by its provisions. Moreover, the International Convention for the Safety of Life at Sea (1974) affirms that people who are found in distress at the sea should be helped despite their nationality or status.

Furthermore, rescued migrants should also be unloaded and sent to a secure location. This has to do with the concept of non-refoulment, which is outlined in Article 33 of the Refugee Status Convention (1951); "where his [or her] life or freedom would be jeopardized because of race, religion, nationality, membership in a certain social group, or political viewpoint," as a universal principle preventing the return of refugees to hazardous or persecuted nations. When it comes

to the responsibility of this non-refoulment clause, it is vital to remember that it applies to any nation - origin or transit - "where persons would be exposed to a real danger of onward removal to such a country" (European Agency for Fundamental Rights, 2016, 2). The concept of non-refoulment prohibits the repatriation of persons to countries where they may face persecution and ill-treatment.

Legal frameworks regarding human rights are subjected to several arguments relating to the state's national sovereignty, as well as opposing human rights constraints when it comes to migrants whose presence in a destination country is not legal, such as irregular migrants. Opinion producers believe that rather than adopting international rules and norms that might threaten border control management and sovereignty, each country or Member State should have the ability to select its strategies and policies in response to irregular immigration. (Baldaccini, 2010)

The Convention on Certain Questions Relating to the Conflict of Nationality Law (1930), which states in Article 1 of the General Principles "it is for each State to determine under its law who are its nationals," protects a state's right to decide whether to allow foreign nationals to enter or expel them from its territory. The other States must recognize this legislation if it is compatible with international agreements, international custom, and generally accepted legal concepts concerning nationality." However, international human rights law places some restrictions on state sovereignty, such as the principle of nonrefoulement and the prohibition of collective expulsion, both of which will be discussed in the next section of the legal framework, which is based on the European Convention on Human Rights and the EU Charter of Fundamental Rights.

3.2 THE LEGAL FRAMEWORK ON THE EUROPEAN LEVEL

As this study also focuses on the European Union with regard to the major problem of irregular migration, it seems crucial to go through the standards, values, and laws of the EU that are related to migration, refugees, and human rights. In that way, it will be possible to better assess the measures and practices adopted by the EU countries.

3.2.1 Human Rights And Eu Values

The EU as a democratic entity values human rights and adopts them in formulating and implementing its policies; several values and norms are key components of the Union's foundation. As a starting point, Human rights are safeguarded by the European Convention for the Protection of Human Rights (1950), which declares that essential rights, including the right to life, the ban against torture, the right to liberty and security, and other rights, should all be upheld.

Likewise, there is the Treaty of Lisbon (2007) strengthened in its provisions the main areas of freedom, security, and justice. The Treaty states in Article # 2, that the Union is built on the principles of human dignity, freedom, democracy, equality, the rule of law, and respect for human rights, particularly the rights of minorities. In a society that values diversity, non-discrimination, tolerance, justice, solidarity, and gender equality, all Member States adhere to these ideals.

One of the EU values that are highly needed is solidarity between the Member States next to human rights. The principle of Solidarity was strengthened in the Treaty on the functioning of the European Union (2007) which was perceived as a base of norms. Article 80 states that "The idea of solidarity and equitable sharing of responsibility, including its financial implications, should guide the Union's policies as set forth in this chapter and their execution." The Union acts approved under this chapter shall include measures to give effect to this concept wherever necessary." Article 67.2 outlines that it "must ensure that persons are not subjected to internal border controls and shall define a single asylum, immigration, and external border control policy based on solidarity among the Member States and fair to third-country nationals". As migration management is a key component of EU policies, it grabbed high attention throughout history. Article 79 of the TFEU focused on the important dimensions of immigration policies which are "the efficient management of migration flows" and the combating of "illegal immigration and trafficking in human beings" (European Union, 2012).

3.2.2 Human Smuggling And Trafficking Laws

One key function of efficient migration policy management is to combat irregular migration, human smuggling, and trafficking since they support the phenomena of irregular migration. Certainly, smuggling and trafficking take many forms. Many restrictions and international laws linked to refugees and migrants, as well as the Law of the Sea and transnational criminal law, make one of the most common kinds of smuggling and trafficking that takes place by the sea a legal issue.

The EU clarifies that one of its priorities is to combat smuggling and trafficking through border control and interception operation giving the EU the justification that the State has a "Legitimate interest in preventing irregular migration and ensuring the safety and security of aviation and sea traffic, as well as the right to do so through various measures". (Executive Committee of the High Commissioner's Program, 2003)

However, various international treaties dealing with cross-border crime and smugglers, as well as the protection of smuggled migrants, were implemented. These agreements, such as the Palermo Protocols, which describe human trafficking and provide protection for its victims and were accepted by the UN Convention against Transnational Organized Crime in 2001, give the state the ability to develop a cooperative framework to combat organized crime groups.

3.2.3 European Border Control And Pushbacks

Highlighting the domain of border control and management, the Amsterdam Treaty (1999) and the Schengen agreement (1985) played significant roles in extending EU competencies in the fields of freedom, security, border management, and justice especially when it came to establishing cooperation with its neighboring countries. On the European level, border control is defined as "The integrated border management term proposes a four-tier access control approach, which includes measures in other countries, collaboration with neighbors, measures at the external border, and inside actions such as return". (European Union Agency for Fundamental Rights, 2016, 2).

Article 77 of the Treaty on the Functioning of the European Union. (TFEU, 2007) states: "The EU must adopt a policy to eliminate constraints on people crossing Union borders, regardless of their nationality, as well as develop an efficient monitoring system for crossing external borders and the gradual implementation of an integrated management system for external borders".

Furthermore, the Schengen Borders Code (2006) was established based on the Schengen agreement to control the movement of people accessing the EU's border, emphasizing the importance of border control security while maintaining human rights, stating in paragraph 7 that "border checks should be carried out in such a way as to fully respect human dignity". (Schengen Border Code, Regulation 2016/399)

In addition, the establishment of a European Agency for the Management of Operational Cooperation at European Union Member States' External Borders, which will be covered in more detail in the following sections, was made possible by the European Council's creation of Frontex in 2004 as the European Agency for the Management of the EU's External Borders.

To sum up, the EU implemented several policies and procedures to prevent irregular migration, dubbed "Pushback," which will be addressed in detail in the following sections of the study. However, it is critical to understand the regulations that govern these retaliation actions. The term "Push-backs" was defined according to the European Center for Constitutional and Human Rights as "a collection of governmental policies that push refugees and migrants back across a border –usually just after they crossed it– without regard for their individual circumstances or the ability to request for asylum or make arguments against the measures adopted (ECCHR, 2021).

Pushback tactics, in the opinion of the European Court of Human Rights, are illegal and in violation of legal responsibilities. In addition to the rights and liberties already guaranteed by the Convention, the First Protocol makes it clear that "collective deportation of immigrants is prohibited," according to Article 4 of Protocol 4 to the European Convention for the Protection of Human Rights and Fundamental Freedoms (Council of Europe, 1963).

Furthermore, Article 19 in the Charter of Fundamental Rights of the European Union (2012) states that “No one may be deported, expelled, or extradited to a country where the death penalty, torture, or other inhumane or humiliating treatment or punishment is a substantial possibility”. This clarifies that the principles of removal, collective expulsion, or extradition are prohibited at the EU level. (CFREU, 2012)

Besides that, if a European Member State wishes to detain irregular migrants until they are deported back to their country of origin or transit, Article 3 of the Convention for the Protection of Human Rights and Fundamental Freedoms (1950) must be implemented, which states that "detained migrants must not be subjected to torture or inhuman or degrading treatment." When Member States use coercive measures like detentions to safeguard migrants from being sent back to their origin or transit countries where their lives are at risk, this ban imposes a commitment to preserve human dignity. (ECHR, 1950)

At the EU level, the main development of policies in the irregular migration area was the adoption of the Return Directive (2008) which states that irregular migrants cannot stay in the EU, and they either should be returned to their countries of origin or transit or should regularize themselves, however, the procedure, in reality, is more complex. Article 1 clarifies that “Fundamental rights as general principles of Community law as well as international law, including refugee protection and human rights duties, to be enforced in the Member States for returning illegally residing third-country nationals” (Return Directive, 2008). Explaining in Article 8 that if the EU used coercive measures as a last resort in returning irregular migrants, Such actions must be appropriate and use no more force than is necessary (Return Directive, 2008).

Fundamental rights must be upheld during the implementation of laws, and the physical integrity and dignity of the third-country national concern must also be respected. Additionally, through Article 16 the EU shows that it has real tensions in monitoring the situation in detention centers, affirming, “Detention facilities must be open to relevant and competent national, international, and non-governmental organizations and entities. Authorization may be required for such trips”. (Return directive, 2008)

To summarize, human rights instruments at both the international and European levels play an important role in protecting migrants, regardless of their status, whether regular or irregular. However, there was no clear legal structure that dealt directly with irregular migrants, although the right to asylum and migration is legally defined and protected on an international and regional level. Furthermore, pushing back techniques such as refoulment of migrants are illegal under international law; a state is not permitted to return a migrant to an unsafe location.



CHAPTER 4: IRREGULAR MIGRATION AS A SECURITY ISSUE

Following the attacks of September 11, migration and asylum concerns have become highly contested topics, with a close relation to current security politics and studies (Bigo 2002, Huysmans 2000). This was defined as a trend toward "migration securitization," or the severe politicization of migration and perceiving it as a national security danger that must be managed and regulated as a security issue. The term "securitization of migration" was used to represent the new fundamental changes in state insecurity in the sphere of migration. In order to get more familiar with it, a few concepts must be defined that will aid us in forming a link between the adopted theory and irregular migration, giving us a better understanding of the phenomenon's nature.

Public debates over irregular migration are framed as challenges to the sovereignty and security of the state. Because one of the primary subjects of this thesis is how and why the EU and its Member States have created migration concerns as a security danger within the European Union, the extent to which immigration is viewed as a threat relates to the intensity and ways of securitizing it. The theory of securitization will be indicated throughout this thesis since it is one of the most appropriate migration theories for analyzing the data and answering the research question.

Part of the literature review and glossary of terms related to the theory are examined in this chapter, with a focus on the concepts of state security and human security. Next, the theoretical framework explaining the concept of securitization theory is presented, followed by a description of the "sociological" approach to securitization that will be used in the analysis (Balzacq, 2010). The analysis of the "sociological" approach to migration securitization will provide the mainframe of reference for this thesis on how to interpret the relationship between security and irregular migration, as well as the various measures and means used by the EU and its Member States to securitize irregular migration phenomena.

4.1 MIGRATION AND SECURITY

The term "security" is derived mostly from the Latin word "se-curus." "Se" means "without," and "curus" means "discomfort." Security may be defined as the lack of worry, freedom from anxiety, or a state free of hazards or threats. However, the term "security" has many different definitions and interpretations in the literature (Liotta, 2002, 477).

Wolfer (1952, 485) defined security as a variable value with subjective and objective dimensions: "security, in an objective sense, measures the absence of threats to acquired values, in a subjective sense, the absence of fear that such values will be attacked". He also explains that the possibility of a future attack cannot be measured "objectively," but must be considered as a matter of subjective estimations, emphasizing the importance of subjective estimations. As a result, security may be defined as the preservation of previously acquired values, and security can be measured by a nation's ability to deter an assault. Values and threats are critical components of a security system, with security defined as the absence of objective "danger" and subjective "fear" of acquired values.

National security and social security are two of the aspects and distinctions studied in security studies. "Social security," according to Waever (1993, 23), relates to situations where cultures perceive an identity threat. Weaver defines "traditional patterns of language, culture, affiliation, religion, and national identity". Societal security focuses on risks to a group's identity, which affects a state's survival, and refers to a community's self-conception as a distinct referent object. Unlike national security, which focuses on challenges to state sovereignty. Waever (1995, 67) argued that a community that loses its identity worries won't be able to continue to exist as itself, in addition, the state cannot continue to exist as a state after losing its sovereignty. According to Weiner (1993, 103), migrants could be seen as a threat to the fundamental societal principles of the receiving country.

Security studies have extended out into a wide variety of insecurity issues in the field of international relations (Huysmans and Squire, 2010, 169). Modern security thinking has focused on attempts to broaden the narrow definition of security in its military dimension to include a broader range of potential threats related to the environment, migration and refugee flows, rapid

population growth, rising unemployment and poverty, human rights violations, and transnational criminality, focusing on non-military threats. (Lohrmann, 2000, 5-17)

4.2 STATE SECURITY VS HUMAN SECURITY

4.2.1 Meaning and Context of Security

The fact that securitization theory does not examine the factors that influence an actor's decision to treat something as a security issue is a significant flaw in its attempt to explain the meaning of security (McDonald 2008: 570-571). Although researchers from the Copenhagen School admit that it is always a choice to classify anything as a security concern and that labeling an issue as such is subjective in nature (Balzacq et al., 2016), they do not provide an explanation for their decisions.

McSweeney (1996: 81) provides a poststructuralist viewpoint to back up this assertion. To develop a more thorough understanding of what security means to that actor and in contemporary international politics, he contends that it is too limited to define the construction of a security issue as a political act and that one must instead look at the social, political, and historical contexts in which securitization is made. This is due to the fact that a closer investigation explains to the reader why some dangers are viewed as threats while others are not (McDonald 2008: 573).

A closer examination of the motivations behind the "pro-EU" Turkish figures, show why they chose to securitize Turkey's political and economic development. Bilgin (2009: 105-107) provides a post-colonial perspective on Turkey's foreign policy, highlighting how pro-EU forces were particularly concerned about the history, politics, and economic orientation of Turkey towards the West following decolonization.

He claims that one of these actors' main concerns was that Turkey had become estranged from the East as a result of its alignment with the West. Turkey also needed to strengthen its relations with the EU in order to create strong economic and political alliances, as well as to feel secure in a world that is getting more integrated (Bilgin 2009: 121). Because of this, their choice to

sanitize this topic might be tied to both historical and strategic considerations, emphasizing the importance of context consideration while developing security.

One might draw the conclusion that a securitization is a beneficial tool for students of international relations since it challenges conventional security theories that overemphasize the security of the state at the expense of other referent objects. A securitization paradigm stresses the ways in which knowledge is not merely "out there," but is driven by interests, and it calls for challenging dominant and widely accepted concepts of security's universality and objectivity. The concept of securitization serves as a reminder that securitization is not a neutral act but rather one that is political. From there, we may explore more and take a closer look at the various uncertainties that exist in international relations.

The argument between "narrowers" and "wideners" over security concepts in International Relations (IR) was ignited by the end of the Cold War. The narrowers were focused on analyzing the military and political stability between the United States and the Soviet Union because they were worried about the security of the state. Wideners weren't satisfied with this, so they sought to extend the agenda by including additional dangers that didn't have a military component and harmed people rather than governments. This broadened the definition of security by incorporating notions of identity and culture as well as regional and human security. By questioning the notion that the state is the only source of security and that gender has no bearing on security production. Feminism had a significant influence on broadening the agenda.

On the other hand, women's fears were frequently a result of their state. The topic of gender was brought into sharp focus by factoring in gender and women when calculating security as well as by emphasizing the links between gender, conflict, and security from a feminist perspective. It was a crucial step toward the development of a more comprehensive security strategy. No matter which side of the discussion one takes - the wideners or the narrowers - the end of the Cold War showed that security is inherently a divisive concept that sparks arguments. According to the International Organization for Standardization, "which cannot be answered by reference to actual facts because the term contains a clear ideological or moral aspect and resists exact, widely agreed definition (Fierke 2015, 35).

Critical security theories contend that "security" is not always good or universal, but rather situation- and subject-specific, and occasionally even harmful. They accomplish this by emphasizing the highly divisive element of security.

Because some people manage security while others simply receive it, security results in unequal power relations. For example, in the context of the Global War on Terror, a person with an Arab appearance has been perceived as potentially dangerous, and surveillance activities in Muslim communities have intensified with the presumption that they may be tied to terrorism because they fit a particular profile. In this setting, monitoring is viewed as an unsettling security device. By questioning the nature of security in circumstances like these, securitization theory advanced and broadened the idea of security to include additional referent objects outside the state. A referent object is the thing that is in danger and has to be protected, which is a key concept in securitization.

Securitization theorists identified five areas: the economic, sociological, military, political, and environmental sectors. A specific threat is articulated as posing a threat to a referent object in each sector.

Securitization theory's central argument demonstrates the rhetorical strategies used by decision-makers to reframe issues and persuade audiences to give them more importance than political concerns. A speech act is when something is done with words, as placing a wager, making a promise, or naming a ship (Buzan et al., 1998, 26). Securitization is a speaking act that reveals how words build reality rather than just describe it, which in turn causes certain reactions. We not only engage with the reality we observe and report, but we also significantly advance a new method of comprehending that reality. As a result, threats are not just threats by definition but also as a result of language.

The securitizing actor must express a point of no return and often emphasize the urgency and gravity of the threat. It is common to frame an argument in military terms, i.e. "if we do not confront this problem, everything else will be meaningless," and give a potential solution (raising the issue beyond politics), in order to encourage a listener to take extraordinary steps.

This allows for a regime of truth regarding the threat's nature and the referent object's nature, making some acts more comprehensible than others.

An issue is considered secure when a group of individuals agrees on the nature of a threat and supports taking extreme steps. The securitization has failed if the audience does not react favorably to the securitizing actor's speaking performance. In this regard, the emphasis on the audience and the process calls for much more than just "saying security". Some academics have criticized this and suggested that securitization be viewed as a protracted process of continuing social constructions and negotiation between multiple audiences and speakers. Any security concern can be classified on a spectrum from non-politicized to politicized to securitized, depending on whether it has attracted public attention and is currently on the agenda (the issue has framed an existential threat).

Actions that would otherwise be considered as anti-democratic are frequently justified when a situation is securitized using phrases like "existential threats" and "urgency." Security tactics utilized in the War on Terror, such as the Guantanamo Bay detention facility, the use of torture, increased public surveillance, extraordinary renditions, and covert drone attacks, serve as examples of the logic of exceptionality. If the war against terror hadn't been imagined in a way that made the suspension of traditional politics both acceptable and necessary, these security measures most certainly wouldn't have developed or persisted to the present day.

Successful securitization uplifts "security" to a special realm and gives securitizing actors (nominally states) the power to decide when to suspend democracy and the ability to manipulate populations. According to Waever (2015), securitization theory was developed to protect politics from the state's oppressive power by giving the public control over the decision to securitize rather than the securitizing actor. Waever also stated that he preferred "desecuritization," or a return to conventional politics. Since audiences are not completely helpless puppets at the whim of the actor who is securitizing, securitization theory gives them agency and responsibility through increasing transparency in the process.

At least four securitization strategies are crucial for understanding societal, governmental, and individual security. A critical discussion of theoretical security studies techniques was presented

in this part. The Copenhagen School, the Realist School, the Welsh School, and the human security approach will be the key topics covered. Despite the fact that the Welsh School, Realist School, and human security approach all have certain points in their favor.

The Copenhagen School was able to expand the definition of security by introducing the concept of social security into security studies. This contribution is crucial for understanding and explaining intrastate conflicts in different parts of the world. As was already indicated, realism exclusively considers state security and is opposed to any attempts to broaden the meaning of security. The Copenhagen School, on the other hand, investigates both state security and societal security. The school was able to close the realism gap as a result. The Copenhagen School is more convincing than the Welsh School and the human security methods.

The Realist School made substantial contributions to security studies from the start of World War II through the end of the Cold War. However, after the end of the Cold War, a number of schools of thought condemned this school on the grounds that it was no longer relevant to security studies since it did not take into account contemporary changes and challenges. However, realists insist that globalization has had no impact on their core beliefs since, in the words of neorealism's creator Kenneth Waltz (2000: 5), such changes did not occur at the systemic level and are therefore irrelevant for addressing security issues. Waltz (1993: 60) argues that because states choose relative profits over absolute gains, international politics is anarchic.

According to John Mearsheimer (2002: 20), who also claims that realists continue to hold a state-centric view of security since states continue to be the principal actors in international politics, the design of the interstate system is still dangerous. This viewpoint sees nations as the main actors in international politics because they struggle to maintain their sovereignty under chaotic situations, as Baylis and Smith (2013: 143) point out. It may be argued that realists still consider states as the primary referent object of security due to the persistent threat of war and limit security studies to the military threat to state sovereignty and security as a result. According to Waltz (1991: 213), broadening the notion of security to encompass serious problems like

pollution and disease could render the term's logical meaning meaningless, and make it challenging to propose remedies to these issues.

The Welsh School, which sees individuals as the referent object of security and criticizes the emancipation strategy as being unduly abstract, presented it and it is realistically quite troublesome. The human security approach is viewed as problematic because its proponents cannot agree on some fundamental principles and because it relies on states to uphold human rights, which gives states a tool to protect their interests rather than human rights, especially given how the international community selectively applies the fundamentals of human rights..

The human security method appears to have contributed significantly to security research overall. This is because, as Newman points out, since the Cold War, internal wars, disease, poverty, environmental damage, or their own nations pose a significant threat to humans. Thus, the human security strategy sought to displace the conventional paradigm. The human security approach contends that states are suppliers of security for individuals under ideal circumstances while acknowledging that states can occasionally jeopardize human security. This is not to say that the state's function as a provider of security for its own citizens is rejected.

Additionally, the strategy challenges the state-centric approach by transforming the state's sovereignty from absolute to conditional. In light of this, Newman (2013: 1–2) argues that state sovereignty is contingent upon upholding a set of human rights criteria in addition to the state's ability to control a certain territory. As a result, human security discourse is a crucial component of the duty to protect, as noted by Kerr (2010: 131). In addition, despite criticism, the governments of Japan and Canada have accepted the broad and narrow definitions of human security, respectively, according to Atanassova-Cornelis (2005: 61). This makes the conversation among state policymakers more productive.

However, it should be highlighted that some claim the human security method might be problematic for a number of different reasons. The phrase is particularly confusing since it is used to refer to both human rights and human development, says Shepherd (2013: 31). Furthermore, the human security approach aims to incorporate almost everything but in practice

excludes nothing, according to Buzan (1997). Second, as noted by Kerr (2010: 130), human security discourses are used as justification for invading other states.

After adopting this modern security perspective, authors began to discuss new conceptions of new security sectors, such as military security, which, according to Buzan (1991, 433), focuses on the interaction between the armed offensive and defensive capacities of nations, as well as how one state perceives the intentions of the other. Political security, on the other hand, concerns the systems of government, political philosophies, and organizational capacity of nations. Access to the necessary financing, markets, and resources to keep welfare and state power at reasonable levels is defined as “economic security”. Environmental security " focuses on protecting the local and global ecology, which is the essential foundation upon which all other human pursuits depend, according to the United Nations. Whereas societal security relates to civilizations' capacity to sustain their established linguistic, cultural, social, religious, and customary patterns under evolutionarily appropriate conditions. Taking into consideration that these sectors are linked to each other since any change in societal security will lead absolutely other sectors to change.

In fact, following the events of September 11 in the United States, as well as the subsequent wave of terror and crisis in the Middle East, a revolution in the field of security studies occurred, necessitating new types of security studies that are linked to issues threatens country security, moving away from the traditional state-centric approach to broader domains. Immigration and organized crime have been hotly debated subjects, with a clear link between criminal behavior and immigration, particularly irregular migration: Criminal activities, which are usually related to irregular migratory flows, are a major cause of concern in all Member States (Commission of the European Communities, 2001, 9-10).

Based on this, it would be necessary to examine how organized crime is overviewed as its definition remains complex and not united. The Council of the European Union (2000, 12) developed four mandatory criteria in order to define crime or criminal groups as organized crime, it is a collaboration of three or more people for an indefinite period of time that are suspected of committing criminal offenses in order to pursue profit and/or power.

Human traffickers and smugglers can be classified as organized criminal networks based on these criteria since they are usually more than one person who has worked in this industry for a long time and have a high level of experience in planning routes, risks, and pursuing illegal ways to carry out their business in order to make large profits. Criminal markets gained about 1% of EU GDP in 2019, amounting to €139 billion (European Commission, 2021).

For realists, "the most important players in the international system are not individuals but states, whose fundamental motivation is to defend their sovereignty," as different viewpoints in security studies used to take place and new ones evolved. But since governments are concerned about the possibility of going to war, security is a fundamental issue, according to realists" (Griffiths, 2008, 290). The relationship between security and migration can be explored from a classical viewpoint as a goal to be achieved, or from a modern security perspective as knowledge, discourse, technology, or practice (Huysmans and Squire, 2010, 170).

New studies, on the other hand, incorporated a broader spectrum of dangers, and a new dimension of insecurity arose, focusing on society (Buzan, 1993, 2) and individuals rather than governments. "To be secure is to be protected from danger," writes Griffiths (2008, 289). Of course, no one is or can ever be completely safe. What is undeniable is that the need to feel safe is a key human value and a requirement for living a decent life". Human security is concerned with a person's protection from starvation, sickness, repression, and incidents that disrupt their daily routine. (Griffiths, 2008, 91)

In this issue, Christina Churrua Muguruza (2017, 15) underlined the significance of welfare, safety, and well-being of individuals in the definition of human security and emphasized the priority of security of individuals over the security of nations which has been a commonly held approach in the recent conceptualizations of human security. In this context, she wrote that most people agree that human security prioritizes individual security over national security, especially in terms of welfare, safety, and well-being. Furthermore, Luterbeck (2006, 64) showed off the importance of guarding safe from the traffic that migrants will possibly create by their arrival in the country, as LuterBeck (2006) also argued that in relating human security with migration, the

essential purpose is to safeguard migrant lives in the Mediterranean and from human traffickers, rather than to limit migration by any means.

While the Commission on Human Security states clearly that maintaining fundamental freedoms is essential to life - is essential to ensuring human security. It entails guarding against critical (severe) and pervasive (widespread) dangers and circumstances. It entails utilizing techniques that capitalize on people's abilities and goals. It entails developing political, social, environmental, economic, military, and cultural institutions that provide individuals with the foundations for survival, livelihood, and dignity" (Commission on Human Security, 2003, 4).

Furthermore, certain public discussions advocate for the weakening of national sovereignty as a result of migration. Ilse van Liempt and Stephanie Sersli (2013, 1029-1030) examine the relationship between human traffickers and smugglers as organized criminal networks and the Member States as a challenge to fundamental principles of international law and State sovereignty, arguing that these "illegal movements" endanger the nation's sovereign power and border regime. The study's focus was on the link between irregular migrants, state sovereignty, and the prosecution of people smuggling in the EU. The link between immigration, terrorism, and crime has given rise to a new dimension of national sovereignty. (Jones and Johnson, 2016, 187).

When perceiving irregular migration as a sovereignty and security threat, this causes an increase in the anti-immigration groups affecting the rights and security of migrants. Huysmans (2000, 752) reflects the increase of the racist and xenophobic parties as one of the factors that played a role in presenting migration as a threat to public order, which increases the legitimacy of migration securitization. This can be realized in several EU countries such as Hungary as the Hungarian Prime Minister Victor Orbán, who described migration as "the Trojan horse of terrorism" (VOA, 2017).

Thus, border control is a collective responsibility of the EU and its Member States. It is stated that each Member State has the right to control and manage its external borders, as well as decide who enters and crosses its boundaries, in order to safeguard its citizens and maintain its sovereignty. This problem, which is linked to irregular migration, poses a challenge to the

sovereignty of the destination country. As a result, it is critical to stop irregular migration in order to ensure complete sovereignty. In addition, irregular migration and asylum seekers are seen as a stimulant for the creation of new entry points for terrorists and criminals (Huysmans, 2006, 97).

To be able to connect to the EU's border management, you must be familiar with the phrase. The International Organization for Migration defines border management as "the facilitation of allowed movements of individuals across a border, including business people, tourists, migrants, and refugees, as well as the identification and prevention of irregular entry of non-nationals into a particular country". Border management methods include the imposition of visa restrictions by nations, carrier fines against transportation companies transporting undocumented migrants into the area, and an interception at sea. International standards need a balance between making it simpler for legitimate visitors to enter and preventing those from entering for the wrong reasons or with improper." (Key Migration Terms, 2019)

As irregular migration is connected to illegally crossing a state's borders with the help of professional organizations, it is considered a criminal activity that has a negative impact on the state's growth as well as its security. Illegal border crossing, according to Shelley (1995, 489), is a danger to a state's national and regional security and laws, hindering its political and economic development and limiting its society's social and cultural development.

As a result, cross-border criminality is rationally connected to illegal activities in the EU and is presented as a threat to EU members, explaining the need for internal security efforts. Migrants, on the other hand, are not suspected of committing these crimes. When the European Commission established EUROSUR, it stated that "border surveillance serves not just to prevent illegal border crossings, but also to combat cross-border crime like as terrorism, human trafficking, drug smuggling, illicit arms trafficking, and many other crimes." Countering these dangers is a first and foremost duty for member state police and intelligence services. However, an effective border management system at both the national and European levels, on the other hand, will be a vital instrument in the battle against cross-border crime" (European Commission, 2008b, 3-4). The EU developed several measures to prevent irregular migrants from entering

EU territory, ranging from externalizing its measures outside EU limits to third countries to strengthening and modernizing border management as a symbol of national sovereignty. Through its neighborhood policy with its neighbors and third countries, the EU adopted an "externalization strategy", in which traditional domestic tools are externalized to third countries to combat crime, corruption, smuggling, and irregular migration to ensure external stability and internal security (Lavenex and Uçarer, 2004, 418).

In conclusion, since they have started to exert major pressure on the states, there are numerous instances where migrants are seen as a security threat on a national and EU level. In order to stop the tragic loss of life at the Mediterranean Sea to irregular migrants trying to cross European Union borders, the Member States and the EU must both develop policies and take steps to protect their Schengen system and sovereignty while also taking into account the safety of the migrants themselves.

4.3 SECURITY AS A SPEECH ACT, ACCORDING TO THE SECURITY THEORY

Recently, the discipline of security studies has been forced to reconsider how it defines security in order to take into account its expanding agenda beyond the strict definitions of state and military security and beyond the worries of state actors (William 2003: 512-3). The discussion of what security means has benefited greatly from the work of the Copenhagen School. Through the development of securitization theory, the Copenhagen School has promoted the idea that security is ultimately the product of a particular social activity or "speech act" rather than an objective reality (Williams 2003: 513).

Speech act theory is the foundation of securitization theory, which contests the idea that security risks persist regardless of how they are expressed (Buzan et al., 1998: 24-26). According to the Copenhagen School, making decisions on whether subjects may be considered security threats requires judgment. In this view, rather than relying on an issue's objective qualities, the judgment of whether a problem is a security concern is determined based on perceived security dangers (Buzan et al., 1998: 29-30). According to Waever (1995: 55), nothing in and of itself constitutes a security problem; rather, a security risk only materializes when it is acknowledged

as such. The Copenhagen School contends that the words and representations made by pertinent political actors eventually shape how security is understood in modern international politics.

An examination of the political debate surrounding Turkey's potential EU membership lends credence to this assertion and demonstrates why Turkey's political and economic development may be considered as a security risk. Since the EU's decision to include Turkey as one of the formal candidates to join the organization in Helsinki in 1999, discussion on the security implications of EU membership has reportedly taken place within Turkey's political elite, according to Bilgin (2005: 175-6). According to Bilgin (2007: 566-7), such a conversation raised the topic of Turkey's EU membership above the realm of traditional politics and reframed it from one that had previously been primarily characterized in terms of economics and security.

The example above shows how political inclusivity and economic development, which are typically not presented as security challenges, can be reframed through speech acts and added to a state's security agenda (Bilgin 2007: 565). As a result, it backs up the central tenet of securitization theory, according to which a problem only qualifies as a security problem after being designated as one. However, not all players have the authority to categorize a problem as a security risk, according to Copenhagen School experts. Instead, they contend that since the decision to securitize a problem is ultimately political, only players with political or institutional clout, such as state leaders, have the right to do it (Wæver 1995: 55). In light of this, they argue that the images of people in positions of power ultimately shape how security is understood in modern international politics.

4.4 SECURITIZATION THEORY

It is possible to research both securitization methods and insights. However, Dider Bigo's (2000, 71, 65) "sociological" approach to securitization, which stresses the importance of measures and practices over discourses in securitization, will be used to analyze securitization practices and measurements as the main emphasis of this thesis. According to Bigo, securitizing a problem is a political act that may be presented and achieved through political actions. It can also be done by other methods, such as images and practices. The "Paris school" of security studies, which claims that administrative procedures, risk evaluations, statistical calculations, category

creation, proactive planning, and the distinctive ethos of security professionals can all be used to identify the securitization of migration, reflects Bigo's point of view.

Understanding what is meant by "securitizing practices" in the migration sector is important since securitizing practices will be the focus of a more central examination in this thesis. The term "tool of securitization" was coined by Balzaq (2008, 79), who defined it as "a recognizable social and technical "dispositive" or instrument containing a specific danger picture via which public action is designed to handle a security concern." Weapons of securitization in the context of migration are actions and policies that convey the idea that the issue at hand—illegal immigration—poses a threat to the security of the EU and its Member States.

As a correlation between irregular migration and criminal activity is established, dramatic shifts occur at the EU level. The concept of conceiving irregular migration as an "urgent" issue enhanced its securitization, as indicated by the European Council (2002, 35) in Seville, where the entire global community must take urgent political action. Furthermore, the EU made combating terrorism the top priority in the European Commission's security agenda (European Commission, 2015, 2).

This necessitates the need to combat, control, and regulate irregular migration on a daily basis after designating it as an "urgent" and "priority", especially in light of the numerous terrorist attacks that occurred in its Member States in 2015. The assaults heightened the EU's sense of fear. Anxiety and security concerns fueled the adoption of tighter control measures such as fingerprinting and stricter visa requirements (Levy, 2005, 52-53), particularly following the 2004 Madrid and 2005 London bombings, which necessitated the adoption of more security and restrictive measures on the political agenda (Levy, 2005, 35). Following these events, the migration discussion on anti-terrorism grew, with politicians and the media emphasizing the link between migration and security in public debates.

Buzan, Weaver, and Balzaq developed the concept of "securitization theory" from the Copenhagen School of security studies. Following the Cold War, new modifications and types of security were required to be produced, and numerous shifts in broader security challenges occurred (Farny, 2016, 1). According to Waever and Buzan (1998, 40, 23-25), an issue can be

securitized by the securitizing actor (mostly politicians and business elites), where an issue is presented as a danger or threat "existential threat" that affects the survival of the nation-state, and when this is accepted by the audience (society), extraordinary measures may be adopted. Marking these objects as "priority and urgency" issues gives actors the right to adopt extraordinary measures to defend the threatened object, influencing policies "the issue is presented as an existential threat, requiring emergency measures and justifying actions outside the normal bounds of political procedure".

According to the securitization theory, when an issue is securitized and conceptualized as a priority in security, actors are given the authority to deal with it as an urgent issue that must be addressed. Securitization elevates a problem from regular politics to emergency politics when exceptional methods and tactics are justified (Taureck, 2006, 54-55). Therefore, by securitization, the topic is converted from low security to high security, transforming an arena of "regular politics" into a worldwide concern that is no longer normal.

The goal of securitization theory is to identify the issue (the referent subject) or threat that is securitized, the actors who securitize, and (the referent objects) who are the society and audience here. In addition, taking into consideration the effects and consequences of securitizing this issue, and finally what conditions are required for securitization to be possible (Buzan, Weaver & de Wilde 1998, 32). The acceptance of the audience is one of the most essential fundamental parts of securitization, which is dependent on the style of public discourse used "speech act" and the position of the securitizing actor, as well as the historical risks associated with the issue that has to be securitized. (Waever, 2000, 252-253).

The Copenhagen school of security studies, nevertheless, has caused a lot of debate and criticism, with many experts stating that this approach is flawed and proposing other developments. While some academics stressed the role that discourses play in securitizations, others argued that other forms of representation should also be taken into account. The Copenhagen School disregards other forms of security and fails to take into account how security and securitization are turned into securitization practices and measures. McDonald (2008, 564) drew attention to the mistakes made by Copenhagen School in implementing the

sorts of security; in this instance, it mostly focuses on the "speaking act," or discourse representation, and disregards other types of representation. Even in the lack of speech or language, some conditions can be protected. Additionally, Bigo (2000, 194–195) confirmed this issue because the military and police have long been aware of it. Real effort, discipline, and competence are all sorts of speaking, thus it is crucial.

The understanding of security on the international level moved from a state-centric approach that focuses on traditional security measures such as military threats to a more human-centric approach that considers human security measures. A broadening of topics are securitized; one of them is migration and especially irregular migration. According to the Copenhagen School, migration can be perceived as a threat to the legitimacy of political elites, policymakers, and the system of governments (Buzan, 1991, 19).

Furthermore, the EU securitizes irregular migration for a variety of reasons that are not just connected to criminal and terrorist activity. For example, Huysmans (2000, 752) revealed one of those reasons that are represented in the globalization of the economy and the financial sector, rising poverty, deteriorating urban living conditions, the resurgence of xenophobic and racist parties and groups, and the advent of multiculturalism. In this context, migration is increasingly being portrayed as a threat to public order, cultural identity, and domestic and labor market stability; it is being securitized.

Migrants have been viewed as a cultural, socioeconomic, and internal security concern in the European Union (Balzacq et al., 2016, 509). Several discourses and technological adoptions, according to Huysmans (2006, 770), view immigrants, asylum-seekers, refugees, and outsiders as a danger to society's stability.

Societal security is described through the significance of identity (values, culture, and language). In securitization, this as a referent object is threatened. The securitization of migration in the field of migration demonstrates that migrants as outsiders pose a challenge to the destination country's cultural identity, undermining the homogeneity and collectivity of that society (Middleton, 2006, 11). In relation to the thesis context, irregular migrants are perceived as a threat to the EU's societal stability because they enter the EU as "outsiders" to EU citizens and

national identity, which can threaten the state's sovereignty to control its borders and manage its policies, as well as a security threat to European values, culture, and stability.

Studying the EU's actions is important in complementing the research on the security-migration nexus since a state may try to frame a securitized issue from other aspects of security, such as human security. According to Bigo (2002, 65-66), immigration securitization is the result of the interaction between a successful securitized speech act by political leaders and a variety of administrative activities such as demographic profiling, risk assessment, statistical computation, and proactive planning. As a result, it is critical to evaluate the practices of these sectors, such as FRONTEX, while assessing the rhetorical approach of EU institutions, Member States, and organizations, in order to assess the extent to which the practices and policies taken are securitized.

Furthermore, as previously stated, when a problem is securitized, the government has the authority to justify and implement extreme measures. The securitization of migration justified extreme measures such as increased monitoring, imprisonment, deportation, and more restrictive regulations in the context of migration. The classification of "threats" authorizes the employment of extreme measures to deal with them, according to Buzan, who also claims that "invoking security has been the key to legitimizing the use of force" (Buzan, Weaver & de Wilde 1998, 21).

To conclude, the EU and many of its Member States saw the migration problem, particularly irregular migration, as a danger to the state's and people's security, necessitating proper responses. This phenomenon was conceived as an issue that needed to be addressed on both sides (discursive and practical). The securitization of irregular migration will be examined in the next chapter through measures taken by the EU and the several Member States, including Greece and Italy, to see if these practices have securitized migration and if their goal of saving migrants' lives has been met, or if an obstacle has been created for migrants that violate their human rights.

4.5 HUMAN RIGHTS CONCEPT AND PHILOSOPHY

Human rights have been defined as the emphatic moral guarantees that all citizens in all countries and cultures possess, simply because they are citizens. The claim suggests that these rights are 'certain' that they are bound to certain individuals who are able to evoke them, that they are of the utmost importance and that compliance with them is required rather than optional. (Amon & Kasambala, 2009)

It is often believed, that human rights are universal rights in the sense that they are enjoyed by all individuals, and must be independent and available as criteria for justification and criticism, whether or not they are recognized by the formal legal system of any country (Singh et al., 2005).

The human rights dogma tries to outline the fundamental necessities for each person to be able to meet their basic needs. The human rights philosophy also seeks to define, at a minimum, the requirements for leading a happy life, such as the right to be free from torture and the right to access health care. The European Conventions on Human Rights (1954) and the International Covenant on Civil and Political Rights (1966) both significantly contributed to the perpetuation of this aspiration, which has been embodied in the various legal declarations and agreements over the past 50 years, beginning with the Universal Declaration of Human Rights (1948). These three documents together make up the fundamental axis of the ethical theory, which is thought to be capable of giving the modern geopolitical system the foundation for the Universal Notice of Rights. (Todrys et al., 2011)

4.5.1 The Development Of Human Rights Theory And Practice Throughout History

The idea of human rights is based on a fundamental philosophical tenet: that there is a morally discernible order, one whose legitimacy transcends temporary social and historical circumstances and holds true for all people, everywhere in time and space. According to this viewpoint, moral beliefs and concepts can be objectively validated as being fundamentally and universally valid. The contemporary human rights doctrine is one of a number of universal

ethical views. The origins and development of human rights theory are closely related to the development of moral totalitarianism.

A number of specific ethical theories, while not in itself a complete and adequate representation of human rights, are woven throughout the history of the conceptual evolution of human rights and serve as philosophical preconditions for modern theory. One of these is the idea that morality and justice come from some sort of pre-social realm, the identification of which serves as the foundation for only identifying "genuine" and "traditional" moral ideas and views. The idea that a person is the possessor of certain "natural" rights as well as a certain perspective on the inherent and equal moral worth of every reasonable person are essential for the protection of human rights. (Carey, 2010)

The foundation of human rights is moral inclusion and the conviction that there is a truly global moral community that embraces all people. The existence of rationally identifiable trans-historical and transcultural moral truths is a premise of moral universalism. The writings of Aristotle and the Stoics are sometimes cited as the sources of moral totalitarianism in Europe. Thus, Aristotle clearly argues the case for the existence of a natural moral order in his book "Ethics to Nicomachus." For all truly logical systems of justice, this natural order ought to serve as the cornerstone.

The Appeal to Natural Order offers a thorough and potentially universal set of standards for determining whether genuine "man-made" legal structures are legitimate. The natural is that which has universal validity and is independent of approval, according to Aristotle, who distinguished between "natural justice" and "legal justice." Thus, pre-existing social and historical standards serve as the criterion for identifying a really logical system of justice (Beyrer & Kass, 2002).

4.5.2 An Examination Of Human Rights From A Philosophical Perspective

Human rights serve as moral protections to support our aspirations for a minimum standard of living. Human rights are rights related to human beings. Conceptually, human rights themselves are derived from the concept of right. This section focuses on the philosophical analysis of the

concept of "right" in order to clarify the various components of the concept from which human rights emerge. In order to gain a full understanding of the philosophical underpinnings of human rights doctrine and the various ways in which the function of human rights is separated, a detailed analysis is required.

Understanding the origins and future applications of human rights requires making the distinction between moral and legal rights as two distinct categories of rights. All of the rights outlined in current legal statutes are referred to as legal rights. A right that is acknowledged and safeguarded by the law is a legal right. Any inquiries regarding its existence will be answered by locating the relevant statute or legal document. A right cannot be regarded as existing until it is codified into law, and the authority of the body that adopted the relevant legislation determines the parameters of its application (O'Neill, 2010).

Legal positivists contend that only legal rights i.e., rights that develop within the confines of a legal system can be claimed to exist legitimately. This point of view contends that moral claims, rather than being strictly speaking rights, may or may not finally be incorporated into domestic or international law (O'Neill, 2010).

It's interesting how many people have approached their opposition to apartheid through the lens of human rights. The denial of many fundamental moral rights to the majority of the population of South Africa under the apartheid government, including the right to political participation and the right to be free from racial discrimination, was what many people felt morally repugnant. Only those who firmly believe in the existence and applicability of moral rights are able to follow this particular route of dissent and protest. Even in nations whose legal systems do not recognize fundamental rights, the idea that these rights may or may not have achieved legal recognition elsewhere is nevertheless entirely valid and morally binding. (Carey, 2010)

Afterwards, the Universal Declaration of Human Rights and other international treaties, to which South Africa was not generally a signatory, gave opponents of apartheid a compelling moral case. (Alston & Goodman, 2012)

The denial of fundamental human rights was the foundation of apartheid. Human rights undoubtedly share with moral rights the crucial quality that their validity is not viewed as contingent on their legal acknowledgment. Human rights are intended to be applicable to all people, regardless of whether their legal status has been recognized by any particular nation. It is evident that many nations still do not formally recognize fundamental human rights, either completely or in part. In these nations, proponents of human rights maintain that rights are nonetheless valid whether or not they are morally essential. (Coombes, 2003)

These assertions are advantageously required by the universality of human rights. It is obvious that the fact that human rights are moral rights that apply to all people gives them more moral weight. Legal rights, on the other hand, are not as frequently contested as moral rights in terms of their validity and existence. It would be incorrect to only define human rights in terms of moral rights. Human rights should be viewed as both moral and legal rights. Human rights develop as moral rights, and as such, the legitimacy of the idea of moral rights is necessary for the legitimacy of human rights. (O'Neill, 2010)

Advocates for human rights see achieving these rights as their major objective. After all, this was one of the main objectives of apartheid opponents. As a result, it is preferable to conceptualize human rights as both moral and legal rights. Human rights' status as moral rights is related to arguments for their legitimacy. However, the transformation of human rights into legal rights is largely responsible for their practical success. Moral rights must be emphasized with the intention of defending moral claims to these rights as a necessary prerequisite for future legal acceptance of these rights in situations where certain human rights do not enjoy legal acknowledgment, as in the apartheid example above. (Amon & Kasambala, 2009)

CHAPTER 5: ANALYSIS OF EU MEASURES TO COMBAT IRREGULAR MIGRATION

As the number of migrants crossing the EU's borders has increased, detention facilities and camps have struggled to provide adequate living conditions. Furthermore, increased pressure was applied to the Common European Asylum System and frontline nations like Greece and Italy, which pushed the EU to externalize the responsibility for border control and migrant protection to other countries like Turkey. Several member states have adopted restrictive measures, such as expanding policing at external borders and enhancing surveillance capabilities in order to encourage the return of irregular migrants through interception operations at sea and land borders undertaken by several agencies, such as Frontex, and readmission agreements. The EU-Turkey Statement motivated the form of push-backs that will be argued through this thesis, characterizing them as a form of “externalization” of border management.

This chapter provides an overview of one of the main strategies adopted by the EU to tackle irregular migration that forms a base of externalizing and pushback strategies. It discusses three measures adopted by the EU as pushback strategies, which are the creation of the Border Control Agency (FRONTEX), the Readmission agreements focusing on the EU-Turkey Statement, and the Detention centers established to tackle the phenomena and prevent migrants from crossing the borders, examining if irregular migration is being securitized through these measures.

Most of the EU's practices focused on external policies. Externalization of migration can be defined as the “extraterritorial State actions to prevent migrants, including asylum-seekers, from entering the legal jurisdictions or territories of destination countries or regions or of making them legally inadmissible without individually considering the merits of their protection claims” (Frelick et al., 2016, 193).

This external dimension could be reflected through several instruments, such as the EU's cooperation with third countries and externalizing the EU's migration policies through partnerships and readmission agreements. Moreover, for Keegan Williams and Alison Mountz

(2016, 32) externalization can be perceived in the interception of migrants, detention centers in transit regions, and bilateral arrangements.

Furthermore, the Special Rapporteur on Migrants' Human Rights (2013) states in paragraph 55 that the EU assures that at the actual borders of the European Union, border control is no longer in place through externalization policies and initiatives. This explains that when control and management are externalized beyond the EU's physical border, the EU's duty for stopping irregular migrants from crossing its borders is transferred to third nations, who provide support and control.

As a result, border control is being externalized as "extraterritorial," with the argument that it is necessary to safeguard the state's security and defend it from terrorists. However, there is no evidence that terrorism is on the rise as a result of illegal migration. The number of migrants has not decreased as a result of the intensification of European border control procedures; rather, it has increased as a result of the illegal movement being diverted to ever-more hazardous routes and a large rise in the number of registered border deaths over time. (Spijkerboer, 2013, 62)

This explains that restrictive migration policies cannot be justified in maintaining State security. However, through my analysis, I can say that the criminalization of irregular migration and the adoption of restrictive policies, increase the migrants seeking irregular ways through smugglers and traffickers which may result in an increase in terrorist activities and the usage of dangerous routes.

Migration's externalization takes the form of either security or a life-saving humanitarian dimension. The externalization of numerous EU practices will be explored in this thesis, which may result in pushbacks and human rights violations, particularly when authority is handed to other nations.

5.1 FRONTEX

Following the events of September 11th, 2001, particularly in the aftermath of the terrorist attacks and the danger to the EU's security, tighter control of external borders was required.

With the increase in migratory flows and the EU's further enlargement in 2004, arguments and criticism arose, expressing concerns about the EU's failure to successfully regulate its exterior borders (Mitsilegas 2007, 362). Based on this, EU Member States moved to increase their collaboration on the border control pillar in order to address the capacity gap. The Schengen Borders Code Art defines the external border of the EU as “the Member States' land borders, including river and lake borders, sea borders and their airports, river ports, sea ports and lake ports, provided that they are not internal borders” (Schengen Border Code, Regulation 562/2006).

Frontex was created in 2004 by the EU Member States toward ensuring the coordination of Member States' actions in carrying out those measures, the Community can make present and future measures relating to the management of external borders easier to implement (Regulation (EC) 2007/2004). The Agency was established in 2005 and is headquartered in Warsaw (Baldaccini, 2010, 230). Frontex has grown into a key component of the EU's migration management activities. Its importance is reflected in the budgetary boost and investment it has received. The budget of Frontex was 6 million Euros in its first year, 19 million Euros in 2006, and 333 million Euros in 2019. (Statista Research Department, 2021).

Furthermore, Frontex's creation is reflected in its tasks. Its goal is to coordinate and assist the Member States by conducting operational cooperation in border surveillance and control, providing assistance in border guard training, conducting risk analysis and research, assisting the Member States in technical and operational assistance at external borders, and assisting the Member States in organizing Joint Return Operations. Regulation (EC) 2007/2004 has granted FRONTEX the authority to conduct joint actions at the external air, land, and sea borders, which can be proposed by the Member States or launched by the Agency in consultation with the Member State(s) concerned. The Agency publishes a variety of publications to examine the scope and evolution of irregular migratory movements, as well as to describe the dangers and threats they pose to EU security, such as the Yearly Risk Assessment (ARA), which offers a long-term study and clarifies the Agency's annual work plan.

As outlined before that Frontex participates in the return of migrants through its Joint Operations, this explains that it plays an essential role in the hotspots. It helps with collecting information from migrants to gather intelligence on smugglers. Additionally, it provides assistance for the Member States, especially frontline countries to register and screen migrants through the fingerprint and the registration on EURODAC. The decision of conducting a Joint Operation is linked to the risk analysis reports carried out by Frontex (Baldaccini, 2010, 234) and to the existence of the Central Record of Available Technical Equipment, which consists of the surveillance and control equipment.

When Frontex conducts an Operation, several issues should be taken into consideration. According to Article 4(3) of the Sea Border Regulation (2014), before any rescued person is disembarked or is handed over to the authorities of the transit or country of origin, a case-by-case assessment should take place where each migrant takes the chance to share his personal circumstances, information and situation (REGULATION (EU) 656/2014).

Several issues emerge in Frontex Joint Interception Operations. It is said that when several players participate in operations, there may be a lack of accountability, and it is difficult to blame a single actor, therefore responsibility is moved from one to the other. Member states contend that Frontex has complete authority over the planning and execution of activities and that it is liable for all behavior that occurs within the operating zone. Frontex, on the other hand, denies any involvement, claiming that its de jure mandate does not allow it to take command of joint activities (Human Rights Watch, 2011).

This inconsistency creates a gap in responsibility, allowing the EU and its Member States to evade their international and national responsibilities for migrants, particularly when it comes to violations of human rights and international commitments. This makes it difficult for the EU, its Member States, and agencies to assess whether third-country actions are compliant with the framework of their sovereign cooperation or are under the jurisdiction of Frontex.

Since its inception, Frontex has carried out a number of joint operations in the Atlantic Ocean. Operation Hera in 2006, aimed to improve authority over the region between the coast of West Africa and the Canary Islands, diverting ships utilizing this migration route and lowering the

number of people who perish at sea during the perilous lengthy voyage (Frontex, 2006, 12). However, like with the majority of joint operations, the primary purpose is to prevent irregular migrants from crossing the border and reaching the Canary Islands' coasts (Marin, 2014, 75, 77).

Furthermore, following the tragic incident of Lampedusa in 2013, in which a boat carrying 500 migrants set out from Libya with the intention of reaching Italian borders crashed one kilometer off the coast of Lampedusa when a fire broke out, resulting in 155 survivors and the rest drowning (Olivieri et al., 2018, 122). This aided Italy's decision to launch Operation Mare Nostrum in the Mediterranean in October 2013. The operation's goal was to rescue migrant lives while also bringing human traffickers to justice. Frontex replaced the Mare Nostrum operation with the Triton Joint Operation, which intended to control the borders, conduct surveillance, and save lives as a secondary purpose. The Mare Nostrum Operation budget was around 9 million euros per month, while the Triton Joint Operation cost only 2.9 million euros monthly (European Commission, 2014). Mare Nostrum was perceived as a humanitarian operation, and the Joint Operation Triton is perceived as an Operation that aims to secure the EU's external borders (Amnesty International, 2015, 5).

Furthermore, the European Commission also invested in other surveillance technologies such as EUROSUR to improve the information exchange and cooperation between the Member States by improving their situational awareness and response capacity in addressing irregular migration, countering cross-border crime, and preventing the loss of migrant lives at sea. (EUROSUR, 2013)

FRONTEX is perceived as a tool for integration within the EU rather than a tool of securitization (Neal, 2009, 344) the purpose of saving lives by Frontex to SAR mandate is still there: thousands of people were rescued, however, in reality, Frontex is not a rescue and search body it is a border control agency. This could support the argument that through the securitization of migration the EU prefers to maintain internal security and border management as a priority over human security.

Furthermore, when considering Bigo's argument that securitization may be found in the activities of administrative and bureaucratic agencies (Bigo, 2002, 65-66), the fundamental functions of Frontex are related to types of securitization through practices, as shown before. Furthermore, Frontex has been criticized as an external border management agency by a number of groups and human rights activists, who claim that Frontex's migration security policies have resulted in a reduction in the protection of migrants' rights. In the following chapter, we'll look at how Frontex's activities harm human rights.

5.2 THE READMISSION AGREEMENTS: EU-TURKEY STATEMENT

By the end of 2015, there was big pressure on the EU's external borders from migrants, notably in frontline countries like Greece and Italy, which led to the establishment of the "hotspot approach" in the European Agenda on Migration. These hotspots are intended to infuse considerable order into migration management by ensuring that all individuals coming are recognized, registered, and correctly processed. In addition, to place at critical arrival sites in frontline Member States (EU Parliament, 2016, 8).

However, this approach to border management was exposed to several criticisms by NGOs several reports argued that these hotspots were not effective in mitigating the pressure on frontline States and led to violations of refugees' and migrants' rights (Amnesty International, 2016, 6), especially Irregular migrants who are the most vulnerable group.

Greece responded to the rise in irregular migrant numbers by erecting a 10.5-kilometer barrier to make it more difficult to cross the border and appointing 1800 border guards (Shields, 2015, 83-84). This wall reduced the number of irregular migrants crossing into Greece; nonetheless, it had various unexpected consequences, such as forcing refugees to seek alternative routes, which made them much more dangerous. Greece was one of the frontline nations most impacted by the migrant influx, and it attempted to implement a number of measures that were condemned by NGOs, which will be detailed in the next chapter. The EU has resolved to increase its collaboration with origin and transit countries by signing additional Readmission Agreements as one weapon for combating irregular migration and reducing the burden on EU members. Readmission agreements are seen to be useful mechanisms for transferring responsibility for

irregular migration management and control to the non-EU origin, transit, and destination countries.

The EU defined the Readmission agreement as an agreement between the EU and/or a Member State with a third country that establishes quick, efficient processes for the identification and safe, orderly return of individuals who do not meet entry, presence, or residency requirements for either the third country or one of the Member States of the European Union. Additionally, in a cooperative manner, to make it easier for these people to travel (European Commission, 2018, 302). The EU focuses in its definition on individuals who are already in the EU and have no longer the right to stay there, however, in this thesis a focus will be placed on how these Readmission agreements affect immigrants who are trying to cross the EU borders irregularly.

Readmission agreements could be perceived as a type of “mobility partnership” which are bilateral agreements between the EU and non-EU countries as part of their neighborhood policies (Dimitriadi, 2016, 4). These agreements aim to manage irregular migration and cross-boarding issues, by bargaining on several issues in return to attain the goals of the agreements and decrease burdens on the EU and allow the Member States to return irregular migrants without any formalities to third countries of origin or transit and share the burden with other countries.

Furthermore, readmission agreements employ the stick-and-carrot strategy, in which the implementation of the agreements is accompanied by benefits to both parties, such as development aid or trade relations, short-term visas, or visa-free travel for citizens of the third country involved in the agreement, and assistance in controlling irregular migration. The EU has signed a number of cooperation agreements, including those with Turkey, Libya, Ukraine, and Moldova. (European Commission, 2021)

EU Member States leaders signed the EU-Turkey statement on March 18, 2016, to manage migration flows from Turkey to the EU, as Turkey has been one of the countries that have facilitated irregular migrant movements toward the EU since the early 1980s due to its strategic geographical location. The Statement entered into force on March 20, 2016 (European Council, 2016), and it was an official confirmation of Turkey and the EU's previous policies and

objectives. From the European perspective, this was seen as an efficient approach to prevent migrants from fleeing to Europe and losing more lives, as well as to create more legal migration routes, and that Turkey is a safe third country to which refugees may be returned on a legal basis from EU countries.

This agreement is based on a number of fundamental elements. Beginning on March 20, 2016, any new illegal immigrants found entering the Greek islands from Turkey would be sent back to Turkey. The UNHCR would work with Greek authorities to process any individual refugee requests, and second, migrants arriving in Greece would be properly registered. Third, in accordance with the UN's Vulnerability Criteria, one Syrian would be moved from Turkey to the EU for each Syrian who was returned from the Greek islands to Turkey. Last but not least, as irregular migration is a cause of human misery and public unrest, Turkey will take whatever measures are necessary to prevent new sea or land routes for irregular migration from Turkey to the EU from forming. However, the EU agrees to provide 6 billion euros for a refugee facility in exchange for Turkey's efforts to accept the return of unauthorized migrants, as well as the fulfillment of a number of benchmarks, including the acceleration of the visa liberalization process and the intensification of EU accession negotiations (European Council, 2016).

The EU-Turkey Statement appears to have reduced irregular border-crossing rates. Three weeks before the agreement went into effect, 26,878 illegal migrants landed in Greece, but three weeks after the Statement, only 5,847 were recorded (European Commission, 2016). By 2017, the number has dropped to 93 each day (European Commission, 2017). According to the European Commission's progress report (2019), the number of irregular migrants entering the EU fell to 150,000 in 2018, and under the 'one for one formula, 25,000 Syrian refugees were relocated to the EU. Turkey has accepted 1,908 removals and stopped the escape of the vast majority of illegal migrants as a result of the Statement, lowering daily rates by 90%. A number of 1,215 migrants had been repatriated to Turkey as of June 2017 (Ulusoy & Battjes, 2017).

Furthermore, from the EU perspective, the EU-Turkey Statement achieved success in attaining some of its objectives. Moreover, in several reports such as the fifth report on the implementation of the EU-Turkey Statement's Progress. The European Commission, 2017

argued that despite the difficult conditions, is yielding noticeable results. Since the Statement, there have been far fewer crossings, and the number of fatalities has decreased. However, Academics argue that this resulted in the usage and adoption of other dangerous routes for migration such as the Libya route and that a much grimmer reality is concealed by the dramatic drop in migration to European coasts since the EU-Turkey agreement went into effect. (Frontières, 2017, 8)

If we use a quantitative approach, the EU-Turkey Statement has had a significant impact on the number of irregular migrant arrivals, allowing us to consider it a successful agreement based only on numbers. However, like with all other partnerships, it is primarily concerned with national problems such as state security and burden-sharing in exchange for financial incentives and EU membership. These negotiation circumstances lead to compromises on other matters such as human security and the protection of irregular migrants, which are seen as secondary concerns for European Union member states but raise the pressure and responsibility on transit nations like Turkey.

Moreover, while analyzing the word "human rights", which is one of the primary elements addressed in this thesis, this term was not directly referenced in the EU-Turkey Statement. The EU, on the other hand, pledges that all migrants will be protected in accordance with international laws and the non-refoulement principle. (European Union Council, 2016)

According to the EU-Turkey Statement that has been signed on 18 March 2016, it was agreed on that:

- I. As of March 20, 2016, all new irregular immigrants and asylum seekers whose applications have been deemed inadmissible will be sent back to Turkey.
- II. For every Syrian transferred back to Turkey from the Greek islands, one Syrian will be directly resettled in the EU.
- III. Turkey will take all necessary steps to stop new maritime or land routes for unauthorized migration from Turkey to the EU from opening.
- IV. A Voluntary Humanitarian Admission Scheme will be implemented once irregular crossings between Turkey and the EU have been eliminated or significantly reduced.

- V. The roadmap for visa liberalization will be expedited with the goal of removing visa requirements for Turkish nationals by the end of June 2016 at the latest. Turkey will make all necessary preparations to meet the remaining conditions.
- VI. In close consultation with Turkey, the EU will hasten the disbursement of the \$3 billion initially allocated under the Facility for Refugees in Turkey. When these resources are about to be fully spent, the EU will raise additional funds for the Facility up to an additional €3 billion through the end of 2018.
- VII. Both the EU and Turkey praised the continued efforts to improve the Customs Union.
- VIII. The accession process will be re-energized by the opening of Chapter 33 under the Dutch Presidency of the Council of the European Union, and the preliminary work for the opening of additional chapters will go more quickly.
- IX. To better the humanitarian situation in Syria, the EU and Turkey will cooperate.

Based on it, the European Commission declared that Turkey committed to the following processes from the signing of the EU-Turkey declaration to the present as compelling evidence that Turkey complied with what had been agreed upon (İşleyen, 2018; European Commission, 2021).

- a) Formally welcomed all those who had returned from Greece.
- b) Given explicit assurances that all Syrian refugees who have returned to Turkey from the Greek islands are eligible to apply for and receive asylum under Turkey's temporary protection regulations.
- c) Given official assurances that non-Syrians in need of international protection who are sent back from Greece to Turkey would be able to ask for protection, receive it, and have their cases processed quickly.
- d) Concluded an agreement with the UNHCR to grant access to removal centers in order to oversee the application of international protection procedures. This cooperation also allowed the EU to periodically monitor the situation of Syrians and non-Syrians returning to Turkey, The first tours of these detention facilities and camps have already been conducted.

- e) Make sure that non-Syrians in need of international protection had access to the labor market.
- f) Implemented a roadmap to clear the backlog of non-Syrian applications for international protection.
- g) Finished and shared with the Commission a roadmap on the implementation of voluntary returns.

The EU-Turkey Readmission Agreement's clauses relating to citizens of third countries will go into effect on June 1 with the approval of the Turkish Parliament. On May 18, the President's office signed the pertinent law, and on May 20, it was published in the Official Journal of Turkey. An urgent resolution by the Turkish Council of Ministers is required to complete the EU-Turkey Readmission Agreement's provisions on third-country nationals' entry into effect and enable actual readmission (İşleyen, 2018).

The governments of Turkey and Greece must maintain continual patrols to prevent migrants from crossing the Aegean. The Greek and Turkish government authorities regularly share information. Throughout the first five months of 2016, the Greek Coast Guard alerted its Turkish counterpart of 120 search and rescue situations. Frontex has had a liaison person stationed in Ankara since April. This has allowed for daily reporting and continuing operational communication with the Turkish National Frontex Point of Contact. Since May 2, 2016, Europol has additionally employed a Turkish Liaison Officer. The Turkish government is developing legislation to toughen the penalties for smugglers and has formed divisions to combat human trafficking and migrant smuggling (Toktaş and Çelik, 2017).

One can conclude that the EU's pushback practices support the securitization of migration, beginning with perceiving irregular migrants as a threat to the state's security, then attempting to control the border and deploy border patrols, to the detection and identification of migrants and detaining them until they are returned to transit and origin countries via readmission agreements. Furthermore, we may infer that Turkey did and still play an essential role in controlling illegal immigration in accordance with the EU-Turkey Statement and Agreement.

CHAPTER 6: STATE'S SECURITY VS. EUROPEAN VALUES

It is being discussed through the thesis that State security and the restrictive measures it adopts to deal with irregular migration can establish a nexus with humanitarian security and fundamental rights that are reinforced in many international and national conventions and laws. Within this chapter, the consequences of the practices adopted by the EU on human and migrant security will be examined. After overviewing the international and EU legal framework in the field of migration and presenting the measures and practices adopted by the EU to tackle irregular migration, this chapter will discuss how these tools adopted by the EU affected the commitments and principles of the EU. It will be argued that a gap is found between the EU principles and its practices in prioritizing security measures when addressing and managing the situation. Also, this chapter will reveal that a central focus is based on border controls rather than human security and enhancing solidarity between the Member States towards migration management to protect human rights and migrants' security.

Reports have documented several instances of migrants being pushed back in different EU member states, particularly at the borders. Conflicting interests and ambiguous obligations went hand in hand with these behaviors. There were differences among the EU member states regarding each state's jurisdictional as well as search and rescue obligations (Strike, 2020, 234). The Dublin System, which showed weaknesses in upholding a high level of responsibility and solidarity between the states in sharing the responsibility of migration, maybe at the root of these disagreements. It placed a heavy burden on frontline nations like Greece and Italy, as they are frequently the Member States where asylum seekers first enter the EU. This puts them in charge of reviewing the applicant's asylum case, which has led to a number of humanitarian issues and a shortage of resources, facilities, and processing centers in frontline nations.

Numerous pushbacks have been recorded at the Greek-Turkish border since the borders are the most common site for irregular migrants to pass, hence most human rights violations of irregular migrants are documented there, where some die and others face torture and detention. Furthermore, throughout their journey to EU countries, they confront a number of abuses and hazards at the hands of smugglers and traffickers, particularly children, women, and girls who

may be subjected to sexual assault. However, when it comes to the next action taken through the thesis, numerous disputes have arisen as a consequence of the EU-Turkish Statement that violates fundamental human rights in a way that led to an escalation in opposition.

In this section, several reports of national human rights institutions such as Human Rights Watch, Watch the Med, PRO ASYL, and Amnesty International are adopted, in addition, to regular reports conducted by the Special Rapporteur reports examining the cases of pushbacks. When examining Frontex as an instrument to prevent irregular migrants from crossing the borders, one can find their practices and joint operations were criticized by human rights organizations and pro-migrants groups. Moreover, many scholars have argued that the Frontex mandate failed to address the violations of human rights that took place during its operations and it did not meet compliance with the EU's international commitments and obligations.

Academics including Carrera et al., (2013: 341-342) have noted the limitations of Frontex's mandate to address human rights breaches occurring in its operational region for Joint Operations at Sea and its contradiction with the EU's international commitments. The Frontex Regulation lacked sufficient references to human rights and duties, according to Paragraph 5 of the Parliamentary Assembly's Resolution 1821 (2011). Both the concept of non-refoulement and the human rights monitoring framework was not explicitly mentioned. Monitoring and observation were restricted to an Annual Report that was approved by the Management Board, which was made up of representatives from the Member States, the Council, the Commission, and the European Parliament (Regulation 2016/1624), as stated in Article 20 Paragraph 2 of the Frontex Regulation.

Thus, through observing and reviewing the reports of NGOs, Special Rapporteurs, and activist networks, the majority of the charges relating to this field of research, and specifically of human rights violations by organizations like Frontex, are reviewed and assessed.

Asylum seekers and irregular migrants may be hindered from obtaining their human rights as a result of Frontex's mandate, Joint Operations, and interception missions. As numerous migrants are stopped and placed in camps and detention facilities, they are also prohibited from entering the EU's borders. As they may be attempting to apply for asylum, this may have an effect on the

migrants' rights and security. Their right to access the asylum process is compromised when they are stopped from obtaining refuge by crossing borders. Additionally, Frontex's procedures do not guarantee adherence to the non-refoulement principle. Since the majority of the people on board the seized vessels are being returned forcefully, where they may be subjected to torture, human rights breaches and mistreatment, the concept of non-refoulment presents a challenge in the majority of Frontex's joint operations. (Papastavridis, 2010, 75).

As a result, many Greek Pushback practices with Frontex cooperation were reported, and mistreatments were documented through the interception of migrants. On the 5th of August 2015, Watch the Med recorded four incidences of pushback tactics when irregular migrants were detained by Greek Coastguards where they were treated brutally, their boats were destroyed, and left adrift at sea to be rescued by Turkish coastguards (Watch the Med Alarm phone, 2015). Furthermore, another case of pushback was recorded on August 14, the same year, and was proven with a video made by Turkish fishermen who alleged that Greek authorities purposely sank a boat carrying fifty passengers (Euronews, 2015). On June 11, 2016, the Alarm Phone reported another case in which the Greek coast guards, in collaboration with Frontex, illegally moved 53 migrants back from Greek waters to Turkish borders, putting firearms in their faces, and they were detained in Turkey (Watch the Med Alarm Phone, 2015).

This is a violation of the rights to life and the obligation to rescue, which are recognized in international human rights standards. Both rights seek to aid those in need, as well as via search and rescue duties. As evidenced by NGOs' reports, many migrants died as a result of the Greek coastguards' practices of damaging migrants' boats and changing their course to leave them in the sea, putting their lives in danger of being rescued by Turkish Coastguards; this places Greece under international pressure for violating fundamental rights.

Frontex was also involved in the detention facilities in Greece, where it supplied human and material support to enable the transit of migrants to detention. Despite this, the jail facilities were overcrowded. Moria, for example, hosted 3,150 people in April 2016 and was meant for a maximum of 1,000 (Amnesty International, 2016).

At the same time, detention centers were not well prepared, they were inadequate places to live and constituted inhuman and degrading treatment. Taking Samos detention center as an example in Greece, the State Watch reported that the floor was dirty, detainees were not receiving good quality food and water, food was prepared in unhygienic conditions, a lack of medical treatment, and bathrooms were not separated between men and women (PRO ASYL, 2007, 7).

Fundamental human rights are violated by these subpar circumstances in detention facilities. According to Article 25 of the Universal Declaration of Human Rights, "Everyone has the right to a standard of living adequate for his or her own health and the health of his or her family, including food, clothing, housing, medical care, and necessary social services." These living conditions violate Articles (1), (2), and (3) of the Declaration since they insult human dignity and deny migrants their rights because of nationalities and Status of being irregular. Given that it is unwilling to provide at least the most basic human rights, this makes Frontex a collaborator in the violation of the international search and rescue (SAR) framework by disembarking migrants in Greece. Based on that, one cannot perceive Greece as a safe country to detain migrants.

Authorities have a responsibility to save and safeguard the lives of migrants, but they also have a responsibility to treat these people humanely and in accordance with their basic human rights. The majority of the time, pushback tactics lead to the mistreatment of migrants. The Pro Asyl interviews (2013, 32) revealed that Greek cops had slapped, beaten with batons, punched, and kicked undocumented migrants on their bodies, heads, and faces. Additionally, several people interviewed said that their personal property, including their money, phone, and documents, had been forcibly taken.

Additionally, other types of ill-treatment that migrants were exposed to electrical batons, which are weapons that inflict significant pain without leaving long-lasting physical traces on the body of the victim (Amnesty International, 2016, 17-18). Amnesty International interviews clarify that when irregular migrants refuse to give their fingerprints, they were tortured by being exposed to beatings causing severe pain; the infliction of electric shocks by means of electrical batons; and sexual humiliation and infliction of pain to the genitals.

Examining the other EU action, the EU-Turkey Statement, reveals that, both before and after the agreement, it was debatable whether Turkey was a safe nation. This was due to a number of factors. First, by offering temporary protection to migrants from non-EU countries, Turkey prevents them from later applying for refugee status (Frelick, 2016). Referring to Article 38 (1, c) of the Refuge Procedures Directive, which stipulates that a safe third country must adhere to the Geneva Convention's principle of non-refoulement and prohibits the return of migrants seeking asylum and protection to nations where their lives may be in danger.

However, Turkey has blocked its border and prevented huge numbers of migrants that are escaping from the war, leaving them in despair (Frelick, 2016). Moreover, when Turkey does not give migrants the right to apply for asylum status this makes it hard for them to benefit from the services and integrate themselves into the country, which pushes them to risk their lives and try to reach the EU. Several debates were raised on the international level on how can the EU ensure that the country they are returning irregular migrants to (transit or origin country) is considered a safe country that fulfills the required principles and respects human rights or not?. In addition, whether the measures that are adopted by the EU focus mainly on the Pushbacks employed to restrict the irregular migration flows comply with the EU principles and fundamental human rights.

Based on these investigations, a number of international and European organizations and agencies took part in these discussions and expressed the need of upholding the nonrefoulement principle and the ban on mass expulsions as a key component of safeguarding migrants. According to the EU-Turkey agreement, which resulted in a burden-sharing arrangement where both sides traded advantages and achieved their goals, the Statement's effectiveness may be judged by the sharp decline in the number of undocumented immigrants and asylum seekers entering Greece from Turkey (Progress Report, 2016a, 2). This decline in irregular immigration is thought to be beneficial for combating migrant smuggling.

While the agreement achieved some success in reaching its objectives, there was a contractual cost when achieving the principal issue of the agreement, which is the protection of migrants as an alternative to risking their lives. According to the definition of Human security provided by

the United Nations Human Development Report (UNHDR) presented above, the agreement resulted in a violation of human security. In order to discuss this fragmentation, several reports from Amnesty International, Human Rights Watch, the Global detention project, Médecins Sans Frontières, and the Special Rapporteur will be examined.

In addition to readmission agreements and Frontex's supervision of the EU border, the EU backed and funded the establishment of detention facilities on the frontiers of adjacent States to ensure that irregular migrants would be imprisoned and would not have the opportunity to enter EU territory. In Turkey, for instance, Edirne is host to a detention facility. However, the Special Rapporteur discovered during his visit to Turkey in 2013 that Turkish detention facilities were unsuitable for ensuring legal representation, detainees lack of access to consular services, lack of interpretation or translation services, and unsuitable medical or psychosocial support (UN General Assembly, 2013, 12-14).

The EU-Turkey declaration has also significantly strained Greece's border. Since they may no longer enter Europe via the Balkans, unauthorized immigrants are stopped and imprisoned in Greek detention facilities. There have been reports of arbitrary detention, and the environment in Greece is unsuitable for deterring migration due to a lack of receiving facilities and housing that is not equipped to provide migrants with access to food, water, and power (Frontières, 2017, 12-14). The measures that were adopted were not enough to handle this burden and basic needs were not well fulfilled. The detention centers on the islands of Lesbos and Chios offer “poor quality of food, lack of blankets and privacy, and inadequate access to appropriate medical care, lack of police protection” (Amnesty International, 2016).

Médecins Sans Frontières reports that there are multiple examples of irregular immigrants being shot and beaten while they were forcibly being returned from Greece to Turkey. The Save the Children research claims that abuse and suicides of migrant youngsters in camps in Greece were documented. It further claims that these children also suffered from depression, separation anxiety, excessive worry, and traumatic stress disorder, especially in the Greek camps. (Myers & Aoun, 2017, 4).

However, such agreements give countries like Turkey, the power to bargain, Elena Pavlovska in her article “Erdogan says the border will stay open until EU meets his demands” clarifies that Turkey stated it is well to suspend the Statement, justifying this with the lack of support provided by Europe for its military operations in Syria (Pavlovska, 2020). Responding to this, Greece blocked huge numbers of third-country nationals in transit and suspended the right to asylum, letting them face severe situations (The Guardian, 2020). Based on this, one can conclude, that the main goal and interest of the EU- Turkey Statement was not humanitarian and migrants security, but rather state security and benefits on both sides.

The EU-Turkey Statement led to the widespread detention of unauthorized migrants for over 25 days, the detention of asylum applicants for three months, and the deportation of people for an additional 18 months. Additionally, the agreement led to the use of refugee camps in northern Greece in 2016 despite their lack of infrastructure, security, and legal support. Women and children are particularly vulnerable and endure harassment, sexual and gender-based abuse, and exploitation at every stage of their trip, including from security officers and other migrants arriving in Greece, according to reports from NGOs like Human Rights Watch.

Additionally, according to Greek and international refugee legislation, those seeking asylums have the right to dispute their detention as well as the right to be informed in their own language as to why they are being held in detention facilities. However, Human Rights Watch findings reveal that asylum seekers are not told of the causes and are held in detention facilities for a long period of time before being sent back to Turkey (Human Rights Watch, 2016).

Furthermore, Greek coastguards intercepted boats carrying undocumented immigrants, took some of them on board, where some were "slapped, beat, and manhandled," and then returned them to Turkish waters, where they damaged the boats and left them there to be rescued by Turkish coastguards. This was reported by NGOs (Everton Gayle and Amnesty International, 2015).

Human Rights Watch noted in its study the violation brought on by the collective expulsion on both sides of the EU and Turkey. Many institutions and organizations have condemned the EU-Turkey Statement and argued that it resulted in a collective expulsion of migrants (Human

Rights Watch, 2016). Unless such a measure is made after and on the basis of a fair and objective analysis of the particular instances of each individual foreigner of the group, collective expulsions are defined as "any action of the competent authority requiring aliens as a group to leave the country" (Becker v. Denmark, 1975).

Moreover, it is prohibited under Article 4 of Protocol 4 of the European Convention on Human Rights. In simpler words, Collective expulsions are practices adopted in order to deport a group of individuals (here it is the irregular migrants) without considering their personal circumstances and conducting separate assessments, which contradicts the protocol above.

Based on this, it can be said that the EU-Turkey Statement partially succeeded in controlling the migrant flows by achieving one of its primary objectives, which was to decrease the number of unauthorized migrants entering the EU. According to reports and the findings of NGOs looking into the matter, numerous Member States appear to have harmed public order. Greece is one of the countries that has been struggling with the migration crisis since the beginning. The Euro crisis had a significant impact on Greece, adding to its burdens and causing new conflicts. Numerous detention facilities were used to hold migrants, who were kept inhumane living conditions and overcrowded camps with no protection or rights, leading to abuses and violations.

In terms of examining the other main goal of the EU-Turkey Statement, which is to end human suffering, the achievement of this objective was less successful. Huge numbers of migrants were lost others were victims of smugglers and traffickers, and others lost their lives and families while searching for a brighter future. In so many cases as listed above, one can recognize that this agreement paid a high price for the social, human, and political insecurity of irregular migrants.

To sum up, The EU aims to manage migration flows and control its borders as a right that belongs to its Sovereignty, but sometimes some issues arise that contradict its main interest resulting in a conflict between its interests and its obligations. The pushback practices adopted by the EU Member States such as Greece violate numerous international laws such as the right to seek asylum, and the principle of non-refoulment resulting in collective expulsion. Frontex

as an agency lacks transparency and assessment of external bodies of its Operations, which makes it harder to examine if Frontex sticks to its obligations and comply with fundamental rights and law or are they aiming to securitize migration as the main goal.

The detention centers in use do not offer adequate accommodation for those who are vulnerable, and as Turkey is also defending its sovereignty, it cannot take in all EU migrants after they have been tortured, endangered, and/or had their rights violated by Greek authorities. It is essential to acknowledge that some Member States, not the EU as a whole, are accountable for the human rights violations examined in this study. The EU cannot be held liable for the breach of basic rights responsibilities and EU values because, on the other hand, it rescued and protected many other cases of needy migrants, notably during the migration crisis, which enhanced its principles and human rights.

CHAPTER 7: CONCLUSION

Migration is a highly contentious subject with connections to many fields. Following the events of September 11, security concerns began to reflect migration, primarily focused on irregular migration and linking it to criminal activity and terrorism. As a result, Europe is facing more dangers and worries and is arguing that it has to enact restrictive measures to keep migrants out of its borders.

Irregular migration was conceptualized as an issue that threatens the EU states' sovereignty, arguing that a state has the right to decide who enters its territories, and irregular migration crossing the borders without the state's legal permission undermines this right. This gives the EU Members the right to justify the measures and practices it adopts to tackle them as a way to ensure security and national interests. These policies hinder the security of the migrants by denying them access to their fundamental rights, such as the right to asylum and the principle of non-refoulment. Moreover, forcing them to travel in dangerous ways in order to enter the EU, where they incur high costs and low safety travel due to this fact. As was previously mentioned, boats are not well equipped to carry a large number of migrants, and many of them suffer abuse and harassment, lose their lives, and leave families behind. In order to stop any violations of human rights, smugglers and traffickers who started to form multi-billion-dollar organizations and pose a threat to migrants' safety have sparked numerous discussions and investigations at the European and global levels by NGOs and civil society.

This thesis questions whether the strategies adopted and put into practice by the EU to address irregular migration were consistent with the EU's core values and its obligations under international law. It also calls into question whether these practices supported the securitization of migration, which views irregular migrants as threats to the country's security and interests. In order to examine this main question and the other sub-questions, the thesis relies on the securitization theory focusing on the "sociological" approach to securitization, which aims to study the practices and measures adopted over the speech of act in the migration management process.

Following an examination of the legal duties on the international and European levels in the migration area, as well as the actions taken by the EU with the assistance of NGOs and pro-migrant activists Reports, the thesis clarifies several issues. First, the phenomena of irregular migration, as well as the rules and customs that govern it, appear confusing and disjointed, reflecting many gaps. There is a gap in the legislative agenda in the sphere of migration to safeguard the rights of irregular migrants. To reduce misunderstanding and uncertainty in interpretations and to prevent any infringement of rights, a common interpretation of important phrases associated with the problem, as well as clear regulations and conventions oriented to irregular migrants, must be adopted.

Second, as stated in the thesis, several EU institutions present irregular migrants as "illegal migrants" conceptualizing them as illegal criminals who must be detained and treated as criminals and terrorists. This may affect how the public deals with the phenomenon and perceives migrants, contributing to an increase in xenophobia and discrimination on the public and national levels, resulting in a bias against migrants and rights violations. It is true that irregular migration might pose a threat to state security, but in other aspects, they cannot be considered criminals or terrorists because they are just attempting to cross borders in search of a secure place to live and are not performing illegal crimes. Not irregular migrants, but smugglers and traffickers, pose a danger to a state's security.

Thirdly, the policies put in place by the EU Member States through the creation of a border control agency, the signing of several readmission agreements, and the use of detention facilities to prevent migrants support the idea that these policies help to secure irregular migration. Frontex agency displays an inaccurate view of irregular migration that works to prevent migrants from entering the EU through its own procedures of border protection training, performing risk assessments, coordinating joint operations, and surveillance.

My thesis also shows that through agreements signed with non-EU countries like Turkey, the EU has done all possible to outsource the refugee crisis to the transit or origin countries. This might be a clear sign that the EU has opposed its humanitarian standards and could have unexpected political consequences in the future, giving these nations like Turkey more

bargaining power overseas as a result of hosting a significant number of immigrants on their own. Additionally, the EU cannot ensure that migrants are treated according to the fundamental human rights in the destination countries and countries of origin where they are returned. Reports uncovered that the conditions in these countries are not safe and migrants are subjected to risks, this makes the destination countries responsible for the migrants' lives by not returning them or sending them to unsafe places according to the principle of non-refoulment. The agreement between the EU and Turkey resulted in collective expulsion cases, as discussed in Chapters 5 and 6, which violated International asylum law that makes the partners that are parts of the agreement liable for breaching international law such as Greece and Italy.

It is crucial to remember that while the phenomenon is seen by many as a humanitarian issue, there are also other unfavorable effects that are connected to it, such as the rapid expansion of organized crime networks businesses, which calls for increased measures and efforts on the European and global levels to manage and control it.

While the security strategy has led to a decrease in the number of irregular immigrants, it is no longer adequate on its own owing to its limits, and it is now important to seek consistency between the security dimension and development policy, as well as to establish shared measures. In order to achieve economic and social progress in the countries of origin of immigrants, the fundamental and actual causes of this irregular immigration must be addressed.

Adopting restrictive measures like border externalization may help in the short term by reducing the number of migrants arriving by sea, but it is expensive and ineffective so a country cannot entirely control its borders. Numerous research and statistics show that these restrictive measures reduce irregular migration along certain routes while boosting it along others, particularly risky routes, where people smugglers and traffickers benefit.

Since the prosperity of developed countries tempts immigrants from less developed countries to immigrate irregularly, these fundamental causes of immigration problems are primarily caused by differences in levels of development between different countries of the world and between different regions within a country. In any case, irregular immigration must be treated within its

comprehensive economic, legal, and social framework in the long term. Humans will continue to migrate around the world in their natural quest for a better life and living circumstances.

This leads to the conclusion that significant economic and political reforms in the countries of origin, the encouragement of development initiatives intended to provide job opportunities for its citizens, and the establishment of monitoring organizations to ensure human dignity in the nation may help to persuade migrants to remain in their home countries. This will reduce the funds used to construct fences and surveillance systems and keep the EU away from liabilities and inquiries about the EU's migration policies.

The thesis concludes that a gap is found between the EU Member States' measures and their compliance with the legal obligations of human rights and values. This has resulted in numerous violations; however, one cannot consider that this is the EU's responsibility and accountability as a whole, as some EU Member States such as Greece, but not the EU as a whole exercised these violations. The EU States separately cannot tackle irregular migration alone, more solidarity between them is needed, moreover, solidarity on the neighborhood policy is also needed through which more cooperation is needed with neighboring countries, especially transit countries and countries of origin to share the burden and find solutions through the conclusion of agreements. In order to achieve a balance between the measures and the legal obligations, irregular migration as a phenomenon should be conceived as a humanitarian issue not as a security issue. A desecuritization process of measures needs to be adopted that is the opposite of securitization, where securitized issues are not conceived in security terms anymore and turned into normal politics. Åtland argues that desecuritization is the way that "an issue can be moved out of the sphere of security politics and into the sphere of regular politics" (Åtland 2008, 292).

However, the EU implemented significant reformations after acknowledging several violations by its Member States. To ensure that the EU Member States uphold fundamental human rights through their actions, the European Commission published a new Pact on Migration and Asylum in September 2020. "all necessary guarantees will be put in place to ensure that every person would have an individual assessment and essential guarantees remain in full, with full respect

for the principle of nonrefoulement and fundamental rights" (European Commission, 2020b, 4). These reformations entered newly into force, which makes it uneasy to assess them and assess the EU's new tensions and interests. More analyses and studies will be conducted over the coming years to determine whether the EU intends to implement a migration policy that safeguards both human rights and state security by enhancing Solidarity and development initiatives to safeguard migrants' human rights and security, or if it intends to maintain its focus and goals on prioritizing border controls and security over. In the end, the study left the door open for other studies to be explored and analyzed in order to complete the gaps that are still not fully covered within this thesis.

REFERENCES:

- Al Hussein, Z. (2014). Recommended Principles and Guidelines on Human Rights at International Borders. UN High Commissioner for Human Rights, Retrieved from https://www.ohchr.org/Documents/Issues/Migration/OHCHR_Recommended_Principles_Guidelines.pdf
- Alston, P., & Goodman, R. (2012). International Human Rights, Oxford: Oxford University Press.
- Altheide, D. (2000). Tracking discourse and qualitative document analysis. *Poetics*, 27(4), 287-299
- Amnesty International. (2015). Europe's sinking shame: The failure to save refugees and migrants at sea. Amnesty International. Retrieved from <https://www.amnesty.org/en/documents/eur03/1434/2015/en/>
- Amnesty International. (2016). Greece: Refugees detained in dire conditions amid rush to implement EU-Turkey deal. Retrieved from <https://www.amnesty.org/en/latest/news/2016/04/greece-refugees-detained-in-dire-conditions-amid-rush-to-implement-eu-turkey-deal/>
- Amnesty International. (2016). Hotspot Italy: How EU's flagship approach leads to violations of refugee and migrant rights. Amnesty International. Retrieved from <https://www.amnesty.org/en/documents/eur30/5004/2016/en/>
- Amnesty International. (2016). Hotspot Italy: How EU's Flagship Approach Leads to Violations of Refugee and Migrant Rights. Amnesty International. <https://www.amnesty.org/en/documents/eur30/5004/2016/en/>
- Amnesty International. (2016). No Safe Refuge: Asylum-seekers and Refugees Denied Effective Protection in Turkey. Amnesty International. <https://www.amnesty.org/en/documents/eur44/3825/2016/en/>

- Amnesty International. (2017). A Blueprint for Despair: Human Rights Impact of the EU-Turkey Deal. Retrieved from <https://www.amnesty.org/en/documents/eur25/5664/2017/en/>
- Amnesty International. (2017). EUROPE: A PERFECT STORM: THE FAILURE OF EUROPEAN POLICIES IN THE CENTRAL MEDITERRANEAN. Amnesty International. Retrieved from <https://www.amnesty.org/en/documents/eur03/6655/2017/en/>
- Amon, J., & Kasambala, T. (2009). Structural barriers and human rights related to HIV prevention and treatment in Zimbabwe. *Glob Public Health*, 4: 528–545.
- Anderson, B., & Ruhs, M. (2010). Researching illegality and labour migration. *Population, Space and Place*, 16(3), 175–179. <https://doi.org/10.1002/psp.594>
- Aras, B. & Polat, R.K. (2008). From Conflict to Cooperation: Desecuritization of Turkey's Relations with Syria and Iran. *Security Dialogue*, 39(5): 495-515.
- Åtland, K. (2008). Mikhail Gorbachev, the Murmansk Initiative, and the De-securitization of Interstate Relations in the Arctic. *Cooperation and Conflict*, 43(3): 289–311.
- Baldaccini, A. (2010). Extraterritorial border controls in the EU: The role of FRONTEX in operations at sea. In *Extraterritorial immigration control* (pp. 225-251). Brill Nijhoff.
- Baldwin-Edwards, M. (2004). *Immigrants and the welfare state in Europe*.
- Baldwin-Edwards, M., & Kraler, A. (2009). *REGINE-Regularisations in Europe*. Amsterdam: Amsterdam University Press.
- Balzacq, T. (2008). The policy tools of securitization: Information exchange, EU foreign and interior policies. *JCMS: Journal of Common Market Studies*, 46(1), 75-100.
- Balzacq, T. (2010). Constructivism and securitization studies. In: M. Dunn Cavelty and V. Mauer, eds. *The Routledge handbook of security studies*. London: Routledge

- Balzacq, T., Léonard, S., & Ruzicka, J. (2016). 'Securitization' revisited: Theory and cases. *International relations*, 30(4), 494-531.
- Balzacq, T., Léonard, S., & Ruzicka, J. (2016). "Securitization" revisited: Theory and cases. *International relations*, 30(4), 494-531.
- Beyrer, C., & Kass, N. E. (2002). Human rights, politics, and reviews of research ethics. *Lancet*, 360: 246– 251.
- Beyrer, C., Terzian, A., Lowther, S., Zambrano, J., Galai, N., et al. (2007). Civil conflict and health information: the Democratic Republic of Congo. In: Beyrer C, Pizer H, editors. *Public health & human rights: evidence-based approaches*. Baltimore: Johns Hopkins University Press.
- Bigo, D. (2002). Security and immigration: Toward a critique of the governmentality of unease. *Alternatives*, 27(1_suppl), 63-92.
- Bigo, D. (2006). When two become one: internal and external securitisations in Europe. In *International relations theory and the politics of European integration* (pp. 171-204). Routledge.
- Bigo, Didier. (2000) When Two Become One: Internal and External Securitisations in Europe. In "International Relations Theory and the Politics of European Integration", edited by Morten Kelstrup, and Michael C. Williams. London: Routledge.
- Bigo, Didier. (2002) Security and Immigration: Toward a Critique of the Governmentality of Unease. *Alternatives: Global, Local, Political* 27 (1): 63–92.
- Bilgin, P. (2005). Turkey's Changing Security Discourses: The Challenge of Globalisation. *European Journal of Political Research*, 44: 175-201
- Bilgin, P. (2007). Making Turkey's Transformation Possible: Claiming 'Security-speak'—not Desecuritization!. *Southeast European and Black Sea Studies*, 7(4): 555-571

- Bilgin, P. (2009). Securing Turkey through Western-Oriented Foreign Policy. *New Perspectives on Turkey*, 40: 105-125
- Bloch, A., & Chimienti, M. (2011). Irregular migration in a globalizing world. *Ethnic and Racial Studies*, 34(8), 1271–1285. <https://doi.org/10.1080/01419870.2011.560277>
- Bommes, M., & Geddes, A. (Eds.). (2000). *Immigration and welfare. Challenging the borders of the welfare state*. London/New York: Routledge.
- Bommes, M., & Sciortino, G. (Eds.). (2011). *Foggy social structures: Irregular migration, European labour markets and the welfare state*. Amsterdam: Amsterdam University Press.
- Booth, K. (2005). *Critical Security Studies and World Politics*. Boulder: Lynne Rienner
- Broeders, D. (2009). *Breaking down anonymity digital surveillance on irregular migrants in Germany and the Netherlands*. Rotterdam, The Netherlands: Erasmus Universiteit.
- Broeders, D., & Engbersen, G. (2007). The fight against illegal migration: Identification policies and immigrants' counterstrategies. *American Behavioral Scientist*, 50(12), 1592–1609. <https://doi.org/10.1177/0002764207302470>
- Burke, C. (2008). *Smuggling versus Trafficking: Do the UN Protocols have it right?. Human Rights and Human Welfare*. Josef School of International Studies: University of Denver. Available at: <https://www.du.edu/korbel/hrhw/researchdigest/trafficking/UNProtocols.pdf>
- Buzan, B. (1991). New patterns of global security in the twenty-first century. *International affairs*, 67(3), 431-451.
- Buzan, B. and Waeber, O. (2003). *Regions and Power: The Structure of International Security*. Cambridge: Cambridge University Press

- Buzan, B., Wæver, O., Wæver, O., & De Wilde, J. (1998). *Security: A new framework for analysis*. Lynne Rienner Publishers.
- Carey, S. C. (2010). *The Politics of Human Rights: The Quest for Dignity*. Cambridge, UK: Cambridge Univ. Press, 2010. Donnelly, J. (2013). *International Human Rights*. 4th edition, Westview Press.
- Carrera, S., Den Hertog, L., & Parkin, J. (2013). The peculiar nature of EU Home Affairs agencies in migration control: beyond accountability versus autonomy?. *European Journal of Migration and Law*, 15(4), 337-358.
- Castles, S. (2010). Migración irregular: causas, tipos y dimensiones regionales. *Migración y Desarrollo*, 8(15), 49–80.
- Castles, S., & Miller, M. J. (1993). *The age of migration. International population movements in the modern world*. New York.
- Castles, S., de Haas, H., & Miller, M. J. (2014). *The Age of Migration, International Population Movements in the Modern World*. England, UK: Palgrave Macmillan. Retrieved from <http://migrationmatters.me/wp-content/uploads/2016/11/AgeOfMigrationChapter1and.pdf>
- Commission of the European Communities. (2001). *Communication From The Commission To The Council And The European Parliament On A Common Policy On Illegal Immigration*. Com(2001) 672 Final. Retrieved from <https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2001:0672:FIN:EN:PDF>
- Commission on Human Security. (2003). *Human Security Now*. New York. Retrieved from <https://reliefweb.int/sites/reliefweb.int/files/resources/91BAEEDBA50C6907C1256D19006A9353-chs-security-may03.pdf>
- Coombes, A. E. (2003). *History after apartheid*. In *History after Apartheid*. Duke University Press.

- Council of Europe. (1950). European Convention for the Protection of Human Rights and Fundamental Freedoms, as amended by Protocols Nos. 11 and 14, ETS 5. Retrieved from: <https://www.refworld.org/docid/3ae6b3b04.html>
- Council of Europe. (1963). Protocol 4 to the European Convention for the Protection of Human Rights and Fundamental Freedoms. European Convention on Human Rights. Retrieved from https://www.echr.coe.int/documents/convention_eng.pdf
- Council of Europe: European Commission on Human Rights. (1975). Henning Becker v. Denmark: Application no. 7011/75. Retrieved from <https://www.refworld.org/cases,COECOMMHR,3ae6b7058.html>
- Council of European Union. (2000). Revision of doc. 6204/2/97 ENFOPOL 35 REV 2, based on doc. 8469/1/99 CRIMORG 55 REV 1. Multidisciplinary Group on Organized Crime (MDG). Retrieved from <https://data.consilium.europa.eu/doc/document/ST-10415-2000-INIT/en/pdf>
- Coutin, S. B. (2005). Contesting criminality: Illegal immigration and the spatialization of legality. *Theoretical Criminology*, 9(1), 5–33. <https://doi.org/10.1177/1362480605046658>
- Crépeau, F. (2013). Mainstreaming a human rights-based approach to migration within the High Level Dialogue. Statement by the UN Special Rapporteur on the human rights of migrants, PGA Plenary Session–Criminalization of Migrants. Retrieved from https://www.ohchr.org/Documents/Issues/SRMigrants/SRM_IOM_NY_Roundtable_Keynote_%20Address.pdf
- Cvajner, M., & Sciortino, G. (2010a). A tale of networks and policies: Prolegomena to an analysis of irregular migration careers and their developmental paths. *Population, Space and Place*, 16(3), 213–225.

- Cvajner, M., & Sciortino, G. (2010b). Theorizing irregular migration: The control of spatial mobility in differentiated societies. *European Journal of Social Theory*, 13(3), 389–404.
- Dal Lago, A. (2004). *Non-persone: l'esclusione dei migranti in una società globale*. Milano: Feltrinelli Editore.
- De Genova, N. (2002). Migrant “Illegality” and deportability in everyday life. *Annual Review of Anthropology*, 31(1), 419–447.
- De Genova, N. (2004). The legal production of Mexican/migrant “illegality”. *Latino Studies*, 2(2), 160–185.
- De Haas, H. (2010). Migration and development: A theoretical perspective. *International migration review*, 44(1), 227-264.
- Dimitriadi, A. (2016). Deals without borders: Europe's foreign policy on migration. European Council on Foreign Relations (ECFR).
- Directive 2008/115/EC. On common standards and procedures in Member States for returning illegally staying third-country nationals. Retrieved from <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=celex%3A32008L0115>.
- Directive 2008/115/EC. On common Standards and procedures in Member States for returning illegally staying third-country nationals .European Parliament, Council of the European Union, Retrieved from <https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2008:348:0098:0107:EN:PDF>
- Directive 2013/32/EU. On common procedures for granting and withdrawing international protection (recast). European Parliament, Council of the European Union. <https://eur-lex.europa.eu/legal-content/en/TXT/?uri=celex%3A32013L0032>
- Dohlman, L., DiMeglio, M., Hajj, J., & Laudanski, K. (2019). Global Brain Drain: How Can the Maslow Theory of Motivation Improve Our Understanding of Physician

Migration?. *International journal of environmental research and public health*, 16(7), 1182.

Donnelly, J. (2013). *International Human Rights*. 4th edition, Westview Press.

Düvell, F. (2006). *Illegal immigration in Europe: Beyond control?* Basingstoke, UK/New York: Palgrave Macmillan.

Düvell, F. (2011a). Irregular immigration, economics and politics. *CESifo DICE Report*, 9(3), 60–68.

Düvell, F. (2011b). Paths into irregularity: The legal and political construction of irregular migration. *European Journal of Migration and Law*, 13(3), 275–295.
<https://doi.org/10.1163/157181611X587856>

Düvell, F. (2011c). The pathways in and out of irregular migration in the EU: A comparative analysis. *European Journal of Migration and Law*, 13(3), 245–250.
<https://doi.org/10.1163/157181611X587838>

ECCHR-European Center for Constitutional and Human Rights. (2021). Push- back. Glossary. Retrieved from <https://www.ecchr.eu/en/glossary/push-back/>.

EUR-Lex. (2012). Consolidated version of the Treaty on the Functioning of the European Union. Retrieved from <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A12012E%2FTXT>

Euronews. (2015). Turkish fisherman claims Greek officials intentionally sank migrant boat. Retrieved from <https://www.euronews.com/2015/08/14/turkish-fisherman-claims-greek-officials-intentionally-sank-migrant-boat>

European Agency for Fundamental Rights. (2016). Guidance on how to reduce the risk of refoulement in external border management when working in or together with third countries. EU, Accessed from <https://www.refworld.org/docid/5857b2b94.html>

European Agency for Fundamental Rights. (2016). Guidance on how to reduce the risk of refoulement in external border management when working in or together with third countries. EU, Retrieved from <https://fra.europa.eu/en/publication/2016/guidance-how-reduce-risk-refoulement-external-border-management-when-working-or>

European Commission. (2008b). COM(2008) 68 final: Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions. Examining the creation of a European Border Surveillance System (EUROSUR). Retrieved from <https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2008:0068:FIN:EN:PDF>

European Commission. (2014). Frontex Joint Operation 'Triton' – Concerted efforts to manage migration in the Central Mediterranean. Brussels: European Commission. Retrieved from https://ec.europa.eu/commission/presscorner/detail/de/MEMO_14_609

European Commission. (2015). Communication “A European Agenda on Security”. Retrieved from <https://www.cepol.europa.eu/sites/default/files/european-agenda-security.pdf>

European Commission. (2015). EU Action Plan against migrant smuggling (2015 – 2020). Brussels: European Commission. Available at: https://ec.europa.eu/anti-trafficking/eu-policy/eu-action-plan-against-migrant-smuggling-2015-%E2%80%93-2020_en

European Commission. (2016a, June 6). Second Report on the progress made in the implementation of the EU-Turkey Statement. Retrieved from https://ec.europa.eu/home-affairs/sites/default/files/what-we-do/policies/european-agenda-migration/proposal-implementationpackage/docs/20160615/2nd_commission_report_on_progress_made_in_the_implementation_of_the_eu-turkey_agreement_en.pdf

European Commission. (2017). Fifth Report on the Progress made in the implementation of the EU-Turkey Statement, COM(2017) 204. Retrieved from <https://www.refworld.org/docid/58b98ba54.html>

European Commission. (2017). Fifth Report on the Progress Made in the Implementation of the EU-Turkey Statement. (Publication No. COM (2017) 204 final).

European commission. (2017). Irregular migration via the Central Mediterranean. EPSC. Retrieved from https://ec.europa.eu/germany/sites/germany/files/pepsc_strategic_notes_irregular_migration.pdf

European Commission. (2018). Asylum and Migration Glossary 6.0 a tool for better comparability. European Migration Network, Retrieved from https://ec.europa.eu/homeaffairs/sites/default/files/whatwedo/networks/european_migration_network/docs/interactive_glossary_6.0_final_version.pdf

European Commission. (2019). Communication From The Commission To The European Parliament, The European Council And The Council Progress Report On The Implementation Of The European Agenda On Migration. Retrieved from: https://ec.europa.eu/home-affairs/sites/default/files/what-we-do/policies/european-agenda-migration/20191016_com-2019-481-report_en.pdf

European Commission. (2020b). Communication from the Commission to the European Parliament, the Council, the European Economic and social Committee and the Committee of the regions on the New Pact on Migration and Asylum. Online available at: https://ec.europa.eu/info/sites/default/files/1_en_act_part1_v7_1.pdf

European Commission. (2021). Fight against organized crime: New 5-year strategy for boosting cooperation across the EU and for better use of digital tools for investigations. Retrieved from https://ec.europa.eu/commission/presscorner/detail/en/ip_21_1662

European Commission. (2021). Mobility partnerships, visa facilitation and readmission agreements. Migration and Home Affairs, Retrieved from https://ec.europa.eu/home-affairs/what-we-do/policies/international-affairs/eastern-partnership/mobility-partnerships-visa-facilitation-and-readmission-agreements_en

European Council. (2016). EU-Turkey statement. Council of European Union, Retrieved from <https://www.consilium.europa.eu/en/press/press-releases/2016/03/18/eu-turkey-statement/>

European Council. 2002. Conclusions of the Presidency, Seville 21–22 June, p. 35. Retrieved from <https://www.consilium.europa.eu/media/20928/72638.pdf>

European Union. (2007). Consolidated version of the Treaty on the Functioning of the European Union. 2008/C 115/01. Retrieved from <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A12012E%2FTXT>

European Union. (2007). Treaty of Lisbon Amending the Treaty on European Union and the Treaty Establishing the European Community. 2007/C 306/01. Retrieved from <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A12007L%2FTXT>

European Union. (2012). Charter of Fundamental Rights of the European Union 2012, 2012/C 326/02. Retrieved from <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A12012P%2FTXT>

Europol-INTERPOL. (2016). MIGRANT SMUGGLING NETWORKS Joint Europol-INTERPOL Report. [online]: pp.1-15. Available at: http://file:///home/chronos/ua6c8c477604ea62630eed855170859c4039f9f66/MyFiles/Downloads/ep-ip_report_executive_summary.pdf

EUROSUR. (2013). About the European Border Surveillance system- EUROSUR. Retrieved from https://ec.europa.eu/home-affairs/what-we-do/policies/borders-and-visas/border-crossing/eurosur_en

- Executive Committee of the High Commissioner's Program. (2003). Conclusion on safeguards in interception measures N° 97 (LIV) - 2003. Retrieved from <https://www.refworld.org/docid/3f9640fe4.html>
- Farny, E. (2016). Implications of the Securitisation of Migration. *E-International Relations*, 29. Retrieved from: <https://www.e-ir.info/2016/01/29/implications-of-the-securitisation-of-migration/>
- Fischer, D. (2006). Spaniens Umgang mit Immigration: eine Studie zum migrationsbedingten Kulturkontakt (1990-2005). Stutz.
- Freeman, G. P. (1995). Modes of immigration politics in liberal democratic states. *International Migration Review*, 29(4), 881–902.
- Frelick, B., Kysel, I. M., & Podkul, J. (2016). The impact of externalization of migration controls on the rights of asylum seekers and other migrants. *Journal on Migration and Human Security*, 4(4), 190-220.
- FRONTEX. (2006). Frontex Annual Report 2006: Coordination of intelligence driven operational cooperation at EU Level to strengthen security at external borders. Warsaw: FRONTEX. Retrieved from <https://www.europarl.europa.eu/document/activities/cont/200801/20080111ATT18445/20080111ATT18445EN.pdf>
- Frontex. (2015). Annual Risk Analysis 2015. Warsaw: Frontex. https://www.europarl.europa.eu/cmsdata/226733/Session1FRONTEX_Annual_Risk_Analysis_2015.pdf
- Frontières, M. (2017). One year on from the EU-Turkey Deal: Challenging the EU's Alternative Facts. Athens.

- Gallagher, A. (2009). Human Rights and Human Trafficking: Quagmire or Firm Ground? A Response to James Hathaway. *Virginia Journal Of International Law*, Vol. 49(No. 4, 2009), 789-848. Retrieved from <https://ssrn.com/abstract=1409816>.
- Gayle, E., & AMNESTY INTERNATIONAL. (2015). Greece's illegal push backs of asylum boats puts lives at risk, says Amnesty International. Retrieved from <https://www.euronews.com/2015/08/25/greece-routinely-pushes-back-immigrant-boats-out-to-sea-says-amnesty>
- Gcim. (2005). Migration in an interconnected world: New directions for action. Report of the Global Commission on International Migration. http://www.agrimigration.eu/docs/Global_Commission_migration_report.pdf
- Griffiths, M., O'Callaghan, T., & Roach, S. C. (2008). *International relations: The key concepts*. London: Routledge. <http://ycis.ac.in/CEGC%20Library/English/International%20relations%20-%20key%20concepts.pdf>
- Hanson, G. H. (2007). *The economic logic of illegal immigration*. New York: Council on foreign Relations.
- Human Rights Watch. (2016). EU: Turkey Mass-Return Deal Threatens Rights Would Harm Refugees, Undermine EU's Principles. Retrieved from <https://www.hrw.org/news/2016/03/15/eu-turkey-mass-return-deal-threatens-rights>
- Human Rights Watch. (2016). Greece: Asylum Seekers Locked Up Wretched Conditions for People in Need. Retrieved from <https://www.hrw.org/news/2016/04/14/greece-asylum-seekers-locked>
- Huysmans, J. (1998). Security! What is it? From Concept to Thick Signifier. *European Journal of International Relations*, 4(2): 226-255

- Huysmans, J. (2000). The European Union and the securitization of migration. *JCMS: Journal of Common Market Studies*, 38(5), 751-777.
- Huysmans, J. (2006). *The politics of insecurity: Fear, migration and asylum in the EU*. Routledge.
https://dl1.cuni.cz/pluginfile.php/889488/mod_resource/content/2/Huysmans_2006.pdf
- Huysmans, J. and Squire, V. (2010). Migration and Security. In Dunn Cavelty, M. and Mauer, V. (eds.), “The Routledge handbook of security studies”. London; Routledge, 169-179
- International Maritime Organization- IMO. (1974). International Convention for the Safety of Life at Sea. UNTS, accessed from <https://www.refworld.org/docid/46920bf32.html>
- International Organization for Migration. (2019). Key Migration Terms. Retrieved from <https://www.iom.int/key-migration-terms>.
- Jones, R., & Johnson, C. (2016). Border Militarisation and the Re-articulation of Sovereignty. *Transactions of the Institute of British geographers*, 41(2), 187-200.
- Kaliber, A. & Tocci, N. (2010). Civil Society and the Transformation of Turkey’s Kurdish Question. *Security Dialogue*, 41(2): 191-215
- Koser, K. (2005). Irregular migration , state security and human security. Retrieved from: https://www.iom.int/sites/default/files/jahia/webdav/site/myjahiasite/shared/shared/mainsite/policy_and_research/gcim/tp/TP5.pdf
- Koser, K. (2010). Dimensions and dynamics of irregular migration. *Population. Space and Place*, 16, 181–193. <https://doi.org/10.1002/psp.587>
- Kraler, A., & Reichel, D. (2011). Measuring irregular migration and population flows – What available data can tell: Measuring irregular migration and population flows.

International Migration, 49(5), 97–128. <https://doi.org/10.1111/j.1468-2435.2011.00699.x>

Kraler, A., & Rogoz, M. (2011). Irregular migration in the European Union since the turn of the millennium—development, economic background and discussion (Working paper 11/2011).

Lavenex, S.; Uçarar, E. (2004). The external dimension of Europeanization: The case of immigration policies. *Cooperation and conflict*, 39(4), 417-443

Lee, E. S. (1966). A theory of migration. *Demography*, 3(1), 47-57.

Levy, C. (2005). The European Union after 9/11: The demise of a liberal democratic asylum regime?. *Government and opposition*, 40(1), 26-59.

Liotta, P. H. (2002). Boomerang effect: The convergence of national and human security. *Security Dialogue*, 33(4), 473-488.

Lohrmann, R. (2000). Migrants, Refugees and Insecurity. *Current Threats to Peace?*. *International Migration*, 38(4), 3-22.

Lutterbeck, D. (2006). Policing migration in the Mediterranean: ESSAY. *Mediterranean politics*, 11(1), 59-82.

Manisali, E. (2001). *Global Jam in the Twenty-First Century: Globalization, Nation-State and Turkey*. Turkey: Otopsi

Marin, L. (2014). Protecting the EU's borders from... fundamental rights? Squaring the circle between frontex's border surveillance and human rights. In *Freedom. Security and Justice in the European Union*. Springer, New York, NY, (pp. 75-99).

Marshall, C., & Rossman, G. (2014). *Designing qualitative research*. Sage publications.

- McDonald, M. (2008). Securitization and the Construction of Security. *European Journal Of International Relations*, 14(4), 563-587.
<https://doi.org/10.1177/1354066108097553>
- McSweeney, B. (1996). Identity and Security: Buzan and the Copenhagen School. *Review of International Studies*, 22(1): 81-93.
- Metcalf-Hough, V. (2015). The migration crisis? Facts, challenges and possible solutions. Available at: <https://odi.org/en/publications/a-migration-crisis-facts-challenges-and-possible-solutions/>
- Middleton, A. (2016). Populist radical right parties and the securitization of migration in France. Available at: https://digitalcollections.sit.edu/cgi/viewcontent.cgi?article=3438&context=isp_collection
- Mitsilegas, V. (2007). Border security in the European Union: towards centralised controls and maximum surveillance (pp. 359-394). Hart Publishing.
- Morrison, J., & Crosland, B. (2001). The trafficking and smuggling of refugees: the end game in European asylum policy?. *New Issues in Refugee Research*, Working Paper No. 39. Retrieved from: <https://www.unhcr.org/3af66c9b4.pdf>
- Muguruza, C. (2007). Human Security as a policy framework: Critics and Challenges. *Anuario de acción humanitaria y derechos humanos= Yearbook of humanitarian action and human rights*, (4), 15-35.
- Myers, S., & Aoun, I. (2017). A Tide Of Self-Harm And Depression The Eu-Turkey Deal's Devastating Impact On Child Refugees And Migrants. Save the Children Organization, Retrieved from http://www.savethechildren.ca/wp-content/uploads/2017/03/FINAL-Report_EU-Turkey-deal_-A-tide-of-self-harm-and-depression_March-20171.pdf

- Neal, A. W. (2009). Securitization and risk at the EU border: The origins of FRONTEX. *JCMS: Journal of common market studies*, 47(2), 333-356.
- Nowrojee, B. (2005). Making the invisible war crime visible: post-conflict justice for Sierra Leone's rape victims. *Harv Hum Rights J*, 18: 85–105.
- O'Neill, W. G. (2010). The statement of ethical commitments of human rights professionals: a commentary. In: O'Flaherty M, Ulrich G, editors. *The professional identity of the human rights field officer*. London: Ashgate
- OHCHR. (2000). Protocol against the Smuggling of Migrants. Retrieved from <https://www.ohchr.org/EN/ProfessionalInterest/Pages/TransnationalOrganizedCrime.aspx>.
- OHCHR. (2000). Protocol to Prevent, Suppress and Punish Trafficking in Persons. Retrieved from <https://www.ohchr.org/en/professionalinterest/pages/protocoltraffickinginpersons.aspx>.
- Olivieri, L., Mazzei, D., Bertoglio, B., De Angelis, D., Previderè, C., Grignani, P., ... & Cattaneo, C. (2018). Challenges in the identification of dead migrants in the Mediterranean: the case study of the Lampedusa shipwreck of October 3rd 2013. *Forensic science international*, 285, 121-128
- Papadopoulou-Kourkoulou, A. (2008). *Transit migration: The missing link between emigration and settlement*. UK: Palgrave Macmillan.
- Papastavridis, E. (2010). 'Fortress Europe' and FRONTEX: Within or Without International Law?. *Nordic Journal of International Law*, 79(1), 75-111.
- Parliament, E. (2016). *On the frontline: the hotspot approach to managing migration*.

- Parliamentary Assembly, (2011). The interception and rescue at sea of asylum seekers, refugees and irregular migrants. Retrieved from <http://assembly.coe.int/nw/xml/xref/xref-xml2html-en.asp?fileid=18006&lang=en>
- Pastore, F., Monzini, P., & Sciortino, G. (2006). Schengen's soft underbelly? Irregular migration and human smuggling across land and sea borders to Italy. *International Migration*, 44(4), 95-119.
- Pavlovska, E. (2020). Erdogan says border will stay open until EU meets his demands. Retrieved from <https://www.neweurope.eu/article/erdogan-says-border-will-stay-open-until-eu-meets-his-demands/>
- Payne, G., & Payne, J. (2004). *Key concepts in social research*. Sage.
- Perruchoud, R., & Redpath-Cross, J. (2011). *International Migration Law No. 25: Glossary on migration*. Geneva: International Organization for Migration (IOM).
- PRO ASYL. (2007). The truth may be bitter, but it must be told«. PRO ASYL. Retrieved from <https://www.proasyl.de/material/the-truth-may-be-bitter-but-it-must-be-told/>
- PRO ASYL. (2013). Pushed back – Systematic human rights violations against refugees in the aegean sea and the greek-turkish land border. PRO ASYL. Retrieved from <https://www.proasyl.de/en/material/pushed-back-systematic-human-rights-violations-against-refugees-in-the-aegean-sea-and-the-greek-turkish-land-border/>
- Regulation (EU) 656/2014. Establishing rules for the surveillance of the external sea borders in the context of operational cooperation coordinated by the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union. European Parliament, Council of the European Union, Retrieved from <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32014R0656>

Regulation 2007/2004. Establishing a European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union. European Parliament, Council of the European Union. <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:32004R2007>

Regulation 2016/1624. The European Border and Coast Guard and amending Regulation (EU) 2016/399 of the European Parliament and of the Council and repealing Regulation (EC) No 863/2007 of the European Parliament and of the Council, Council Regulation (EC) No 2007/2004 and Council Decision 2005/267/EC. European Parliament, Council of the European Union. <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32016R1624&from=PL>

Regulation 2016/399. A Union Code on the rules governing the movement of persons across borders (Schengen Borders Code). Council of the European Union <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:32004R2007>

Regulation 562/2006. Establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code). European Parliament, Council of the European Union. <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=celex%3A32006R056>

Reyneri, E. (1998). The role of the underground economy in irregular migrate on to Italy: Cause or effect? *Journal of Ethnic and Migration Studies*, 24(2), 313–331.

Riedel, S. (2011). *Illegale Migration im Mittelmeerraum: Antworten der südlichen EU-Mitgliedstaaten auf nationale und europapolitische Herausforderungen*.

Roman, E., Baird, T. E., & Radcliffe, T. (2016). Why Turkey is not a ‘safe country’. Retrieved from <https://www.statewatch.org/media/documents/analyses/no-283-why-turkey-is-not-a-safe-country.pdf>

- Roundtable, L. E. (2002). Summary conclusions on the concept of 'Effective Protection' in the context of secondary movements of refugees and asylum seekers. Lisbon (9 and 10 December). See especially, Para, 15.
- Ruhs, M., & Anderson, B. (2010). Semi-compliance and illegality in migrant labour markets: an analysis of migrants, employers and the state in the UK. *Population, space and place*, 16(3), 195-211.
- Salt, J., & Stein, J. (1997). Migration as a business: the case of trafficking. *International migration*, 35(4), 467-494.
- Santel, B. (1995). Loss of control: the build-up of a European migration and asylum regime. *Migration and European integration: The Dynamics of inclusion and exclusion*, 75-91.
- Sciortino, G. (2004). Immigration in a Mediterranean welfare state: The Italian experience in comparative perspective. *Journal of Comparative Policy Analysis: Research and Practice*, 6(2), 111–129.
- Sciortino, G. (2013). The regulation of undocumented migration. In M. Martiniello & J. Rath (Eds.), *An introduction to international migration studies* (pp. 349–375). Amsterdam: Amsterdam University Press.
- Shelley, L. I. (1995). Transnational organized crime: an imminent threat to the nation-state?. *Journal of international affairs*, 463-489.
- Shields, P. (2015). The Human Cost of the European Union's External Border Regime. *Peace Review*, 27(1), 82-90.
- Singh, S., Dahal, K., & Mills, E. (2005). Nepal's war on human rights: a summit higher than Everest. *Int J Equity Health*, 4: 9.
- Spijkerboer, T. (2013). Are European States Accountable for Border Deaths?. *Research Companion to Migration Law and Theory*, Aldershot, Ashgate, 61-76

Statista Research Department. (2021). Annual budget of Frontex in the European Union from 2005 to 2020. Retrieved from <https://www.statista.com/statistics/973052/annual-budget-frontex-eu/>

Strik, T. (2020). Mechanisms to prevent pushbacks. In *Fundamental Rights Challenges in Border Controls and Expulsion of Irregular Immigrants in the European Union* (pp. 234-258). Routledge.

Taureck, R. (2006). Securitization theory and securitization studies. *Journal of International relations and Development*, 9(1), 53-61.

The Guardian. (2020). Refugees told 'Europe is closed' as tensions rise at Greece-Turkey border. Retrieved from <https://www.theguardian.com/world/2020/mar/06/refugees-europe-closed-tensions-greece-turkey-border>

Todrys, K., Amon, J., Malembeka, G., & Clayton, M. (2011). Imprisoned and imperiled: access to HIV and TB prevention and treatment, and denial of human rights in Zambian prisons. *J Int AIDS Soc*, 14: 8.

Triandafyllidou, A., & Vogel, D. (2010). Irregular migration in the European Union: evidence, facts and myths. *Irregular migration in Europe: Myths and realities*, 291-99.

Ulusoy, O., & Battjes, H. (2017). Situation of readmitted migrants and refugees from Greece to Turkey under the EU-Turkey statement. *VU Amsterdam Migration Law Series*, 15.

UN General Assembly. (1951). *Convention Relating to the Status of Refugees*. United Nations, Treaty Series, vol. 189, p. 137, Accessed from <https://www.refworld.org/docid/3be01b964.html>

UN General Assembly. (1966). International Covenant on Civil and Political Rights. United Nations, Treaty Series, vol. 999. Retrieved from <https://www.refworld.org/docid/3ae6b3aa0.html>

UN General Assembly. (1982). Convention on the Law of the Sea. Accessed from <https://www.refworld.org/docid/3dd8fd1b4.html>.

UN General Assembly. (2001). United Nations Convention against Transnational Organized Crime: resolution / adopted by the General Assembly A/RES/55/25. Retrieved from https://www.un.org/en/development/desa/population/migration/generalassembly/docs/globalcompact/A_RES_55_25.pdf

UN General Assembly. (2013). Report by the Special Rapporteur on the human rights of migrants, François Crépeau, on his mission to Turkey (25–29 June 2012)- A/HRC/23/46/Add.2. Retrieved from https://www.ohchr.org/documents/hrbodies/hrcouncil/regularsession/session23/a.hrc.23.46.add.2_en.pdf

UN General Assembly. (2016). New York Declaration for Refugees and Migrants (A/RES/71/1). Resolution adopted by the General Assembly on 19 September 2016. Retrieved from: <https://www.refworld.org/docid/57ceb74a4.html>

UN High Commissioner for Refugees- UNHCR. (2003). Summary Conclusions on the Concept of "Effective Protection" in the Context of Secondary Movements of Refugees and Asylum-Seekers (Lisbon Expert Roundtable, 9-10 December 2002. Retrieved from <https://www.unhcr.org/protection/globalconsult/3e5f323d7/lisbon-expert-roundtable-summary-conclusions-concept-effective-protection.html>

UN Human Rights Council. (2013). Report of the Special Rapporteur on the human rights of migrants, Regional study: management of the external borders of the European Union and its impact on the human rights of migrants, A/HRC/23/46. Retrieved

from

https://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session23/A.HRC.23.46_en.pdf

UN Office of the High Commissioner for Human Rights (OHCHR). (2010). Statement of the Global Migration Group on the Human Rights of Migrants in Irregular Situation. Retrieved from <https://www.refworld.org/docid/4f7157bc2.html>

UNHCR. (1930). Convention on Certain Questions Relating to the Conflict of Nationality Law, League of Nations, Treaty Series, vol. 179, p. 89, No. 4137. Retrieved from <https://www.refworld.org/docid/3ae6b3b00.html>

United Nations Secretariat. (2005). United Nations Convention Against Transnational Organized Crime and the Protocols Thereto. Retrieved from https://www.unodc.org/documents/middleeastandnorthafrica/organised-crime/UNITED_NATIONS_CONVENTION_AGAINST_TRANSNATIONAL_ORGANIZED_CRIME_AND_THE_PROTOCOLS_THERETO.pdf?fbclid=IwAR3TKtaQPhzFWwk9m805ZKpqK-2SmGbXiRqvc7EDTiDYoeE9Ygmeo-ybiiU

UNOHCHR. (1984). Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Adopted and opened for signature, ratification and accession by General Assembly resolution 39/46 of 10 December 1984. A/RES/44/144, from <https://www.ohchr.org/en/professionalinterest/pages/cat.aspx>

Van Liempt, I., & Sersli, S. (2013). State responses and migrant experiences with human smuggling: A reality check. *Antipode*, 45(4), 1029-1046.

Van Meeteren, M. (2010). *Life without papers: Aspirations, incorporation and transnational activities of irregular migrants in the Low Countries*. Rotterdam, The Netherlands: Erasmus Universiteit.

- VOA. (2017). Hungary's Leader Calls Migration 'Trojan Horse' of Terrorism. Retrieved from <https://www.voanews.com/europe/hungarys-leader-calls-migration-trojan-horse-terrorism>
- Wæver, O. (1993). Societal security: The concept. In O. Wæver, B. Buzan, M. Kelstrup, & L. Lemaitre (Eds.), "Identity, migration and the new security agenda in Europe". London: Pinter, (pp. 17–40).
- Wæver, O. (1995). Securitization and Desecuritization. In R. Lipschutz (eds.) *On Security*, New York: Columbia University Press, 46-86.
- Wæver, O. (1995). Securitization and Desecuritization. In R. Lipschutz, (Ed.) "On Security". New York: Columbia University Press, pp. 46-86.
- Wæver, O. (2000). The EU as a security actor: reflections from a pessimistic constructivist on post sovereignty security orders. In M. Kelstrup & M. C. Williams, (Eds.) "International relations theory and the politics of European integration: power, security, and community". London; New York: Routledge.
- Wæver, O. (2006). The EU as a security actor: Reflections from a pessimistic constructivist on post-sovereign security orders. In "International relations theory and the politics of European integration" (pp. 250-294). Routledge.
- Wæver, O. (2015). The theory act: Responsibility and exactitude as seen from securitization. *International Relations*, 29(1), 121-127.
- Watch the Med Alarm Phone. (2015). Denounces Illegal Push-back Operation in Frontex Presence!. Retrieved from https://alarmphone.org/en/2016/06/15/watchthemed-alarm-phone-denounces-illegal-push-back-operation-with-frontex-present/?post_type_release_type=post
- Watch the Med Alarm Phone. (2015). Distress at sea and endangered lives due to coastguard actions?. Retrieved from <https://alarmphone.org/en/2015/08/05/alarm->

phone-release-distress-at-sea-and-endangered-lives-due-to-coastguard-
actions/?post_type_release_type=post

- Weiner, M. (1993). Security, Stability, and International Migration. *International Security*, 17 (3), winter 1992/93: 91-126.
- Williams, K., & Mountz, A. (2016). Rising tide—analysing the relationship between externalization and migrant deaths and boat losses. p31-49, in Ruben Zaiotti, “Externalizing Migration Management: Europe, North America and the Spread of remote control practices”. Routledge.
- Williams, M. C. (2003). Words, Images, Enemies: Securitization and International Politics. *International Studies Quarterly*, 47: 511-531
- Williams, K., & Mountz, A. (2016). Rising tide – analysing the relationship between externalisation and migrant deaths and boat losses; in Ruben Zaiotti, “Externalising Migration Management: Europe, North America and the Spread of 'remote control practices’”. Routledge.
- Wolfers, A. (1952). "National security" as an ambiguous symbol. *Political science quarterly*, 67(4), 481-502.
- Zolberg, A., & Benda, P. M. (2001). *Global migrants, global refugees: Problems and solutions*. New York: Berghahn Books.