Dissertation's Title:

Securing Borders or Refugee Lives?

Securitization Perspectives vis-à-vis the Rights of Refugees in Greece and the EU".

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Abstract

This thesis explores the responses of Greece and the European Union to the increase of refugee arrivals based on the theory of securitization. The case of Greek politics is studied in conjunction with EU policies and decision-making, as the first operates within the legal and institutional framework of the latter. Although, the migration-security nexus has been widely researched by scholars, in the present thesis I applied a comprehensive analysis of the policies that were promoted in the time period from 2015 to 2022 focusing on the legislative and political actions as well as discourses. These years were marked by contentious politics that beggared human rights and strengthened the security rationale by shifting the need for refugee protection to the protection of the state(s). A combined methodology of desk research based on speech acts and case study assisted this research in looking into the following two research questions: *(1)* 'Has migration in Greece, as an integral member-state of the EU with regard to refugee management, been securitized, since 2015 onwards, and *(2)* 'What means were promoted for the application of securitization policies'. Upon the analysis of the main responses in national and the EU level, the results of this study illustrate that both opted for solutions that emphasized the framing of refugees as security threats. The means that were preferred were supported by security-related concerns that were ingrained in the EU-Turkey deal, the relevant directives and regulations as well as the ad hoc relocation plans and were based on securitizing the refugee issue. In the case of Greece, the already implanted inefficiencies in reception and asylum further narrowed down the legal category of refugee and eventually the breaches in refoulement and criminalization of solidarity led to shrinkage of rights and furthering of governmental control on border security.

Keywords: securitization, refugees, Greece, EU, human rights

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1. Introduction to the 2015 refugee 'crisis' and responses

The refugee movement is the civil rights movement of our time.
In most countries across the world migration and refugee issues
have come to the fore as well as struggles for justice.
The Mediterranean has become a graveyard for refugees.

Angela Davis, 2016

The ever-growing debate regarding the migration-security nexus prevailing in the EU and its repercussions on the state of the law in Greece constitutes the core analysis of the current thesis. The objective is to shed light on underexplored issues of governance and security by the EU and Greece, at the expense of the fundamental human rights provisions for refugees and their impact on the rule of law. Securing borders has been a primary goal for EU politics but also has become firmly significant for the Greek State's agenda, especially since the 2015 'refugee crisis[1]'.

Securitization processes are being imposed by the EU as a dominant response to the high number of arrivals of third-country nationals. Greece as the first country of entry -a gateway to Europe- tightens the conditions for the reception of refugees in a way that creates inconsistencies in the rule of law and human rights provisions for the people concerned. A critical and very contested moment of the deterrence politics came with the enforcement of the EU-Turkey deal, which marked the beginning of security-related measures that European states and Greece opted for devoutly. Moving beyond the EU-Turkey joint statement, further actions that endorsed the association of security over migratory affairs is increasing, by all accounts. The intensification of preventive measures includes stricter policies in reception and asylum and non-conformity to the law, especially regarding issues of illegal refoulement.

The year 2015 was selected to operationalize the research and does not imply that there was no refugee movement toward Greece in the previous years. The year 2015 is a reference point that was marked by a massive migratory movement toward Europe due to several conditions of regional instabilities (for instance in Afghanistan and Iraq), including the Arab Spring that resulted

[1] The terms 'crisis', 'refugee crisis' and migratory 'flows' will be intentionally avoided as they represent a discourse that is used to legitimize securitization and so-called emergency policies (Cantat, 2016).

in the Syrian displacement. It should be always reminded that the overwhelming majority of refugees reside in low- and middle-income countries of the Global South, such as Turkey, Colombia, Uganda and Pakistan with 72 percent of them being hosted in neighboring countries (UNHCR, 2022). Comparing these figures to the dimensions given to the refugee 'crisis' in the EU helps to understand the existence of a Eurocentric narrative of and 'emergency', conceptualized within the theory of the School of Copenhagen regarding the performative act of the security-related speech.

From 2015 until today, Greece became a main destination for refugees, having received more than a million. The table below indicates the official data of UNHCR (2022).

Table 1: See and Land Arrivals of Refugees per year in Greece (last update: January, 2022)

Previous years	Sea arrivals	Land arrivals	Dead and missing
2021	4,331	4,826	115
2020	9,714	5,982	102
2019	59,726	14,887	71
2018	32,494	18,014	174
2017	29,718	6,592	59
2016	173,450	3,784	441
2015	856,723	4,907	799
2014	41,038	2,280	405

Demographics (based on data from January 2022)

As Table 1 shows the sea arrivals outweighed land arrivals, which led to a significant amount of people being immobilized in the Eastern Aegean islands for protracted periods. The Dublin Regulation, later the EU-Turkey deal as well as the inherent inefficiencies pertaining to solid national responses were among the main reasons that led to this unprecedent situation, as it will be discussed in the next chapters.

Similar securitization patterns have been observed in the last years in other European countries. Italy with its sanctions on search-and-rescue (SAR) operations conducted by NGOs (Öner & Cirino, 2021), the Visegrad 4 united by absolute governmental opposition to the reception of refugees (Cichocki, & Jabkowski, 2019; Koß & Séville 2020), as well as the recent United Kingdom's deal to outsource rejected third-country nationals to Rwanda. The rising affinity of various European states toward externalization and deterrence has been critically analyzed by

scholars, by pointing out its relation to the securitization debate (Triandafyllidoy & Dimitriadi, 2014; Akkerman, 2018, Tsitselikis, 2018; Bello, 2020; Léonard & Kaunert, 2022).

1.1 Research Questions

Having introduced the general background of the refugee situation in the EU and Greece, this study intends to answer two crucial questions. First, my main research question is the following:

> - *Has migration in Greece, as an integral member-state of the EU with regard to refugee management, been securitized, since 2015 onwards.*

Therefore, the attention focuses on whether 2015 refugee displacement is presented as a potential threat to national and European security. The second inextricable research question is:

> -*What means were promoted for the application of securitization policies.*

1.2 Theoretical Background

One should first focus on the analysis of security and its association with migration, as it has been shaped after the widening of the term security, which was used mostly to describe military affairs within the international relations field (Buzan, 1984; Tickner,1995). In this part, I will focus on the development and establishment of the term 'securitization', by analyzing the studies of the two main schools of thought, as well as the contributions of other researchers.

The School of Copenhagen made a great contribution to the critical study of security studies. They elaborated on how security has been shifted from traditional military affairs to non-conventional spheres, by suggesting the critical term of securitization. Security studies are therefore expanded and include economic, political, societal, religious and environmental threats (Buzan, Wæver, De Wilde, 1998). The researchers support the idea that states usually take a stance against powers of change that evoke a security threat to their existence or survival. They launched the conceptual idea that the comprehension of security is transforming from a specific and well-framed security threat to a security continuum (Léonard & Kaunert, 2022). When normal politics fail, then security-centered politics take their place, where political power legitimizes the use of uncommon measures in the name of the defense against an ongoing threat. This statement is of utmost

importance to the current study because it establishes the link between the securitization moves and the ever-growing deviation from human rights law in migratory policies.

According to the School of Copenhagen, the fundamental means to achieve securitization is through the performative power of speech, and, thus, this approach examines the constructive ways that political agents artfully interconnect survival to migration, in our case. Migration is not a security issue per se but can be transformed into one when word association is performed by a political authority (Koslowski, 2009). Negative political linguistics about migration misappropriate physical catastrophe-related metaphors to create securitization comparisons (Ferreira, 2018). Highly topical terms which were protruded amid the migration setting in Greece and the EU after 2015 include 'refugee crisis' and 'emergency response' as well as the emphasis on the differentiation between migrants and refugees. The rigid shift to a securitized-centered migration speech as well as the constant use of security-charged words align with or prepare the audience for changes in migration politics, such as enhanced border control (Huysmans & Squire, 2010).

The role of the audience, as a receiver is crucial in the securitization effort. As Balzacq (2005) indicates 'the success of securitization is highly contingent upon the securitizing actor's ability to identify with the audience's feelings, needs and interest'. Moreover, the securitization actor might persuade the audience, only if the threat is presented as legitimate, and well-founded (Williams, 2003) by the 'feelings, needs and interests of the audience (Balzacq, 2005).

Another significant contribution to securitization studies comes from the School of Paris and its eminent representative, Didier Bigo. Notwithstanding the School of Copenhagen provided a critical viewpoint on the securitization procedures through the speech act, the School of Paris challenges the emphasis of the speech act and focuses on the actor of securitization. The 'security professionals' drawing once their prestige from purely military affairs are now expanding their influence on the management of immigrants that are seen as an unease against the citizens of a state. However, this unease is often cultivated by the given authority and spread to the audience. Bigo accepts the reality of the speech act, but he considers that this is not the keystone in the creation of securitization discourse; on the opposite, the government or official authority can achieve the security-migration connection through other practices such as enhanced police and military involvement in border areas. The role of the state as a securitization actor is central in this

analysis. The state has the right to discriminate in favor of its citizens, by imposing restrictions that circumscribe migrants, in their entry, stay and departure as well as in their actual life. This rhetoric demonstrates that states are those who view migrants as a possible threat. Finally, Bourgeau (2014), claims that securitization entails the logic of routine, performed by the bureaucrats and security professionals. In this context, security can be seen as '*transversal political technology, used as a mode of governmentality by diverse institutions to play with the unease, or to encourage it if it does not yet exist, to affirm their role as providers of protection and security'* (Bigo, 2002).

According to Huysmans and Squire (2009), the security-migration nexus meets two levels. Firstly, there is the traditional analysis, which renders security as a goal to be achieved by and in favor of the state. This entails that migration threatens a state in several measurable ways such as the display of demographics (Choucri, 2002), the rendering of refugees into dangerous political actors (Loescher, 1992) or the impact of migration on social unity (Rudolph, 2006). Secondly, this approach also supports human security, thus, the security of individuals over the state. This kind of security usually refers to the ones that migrate and is closely connected with humanitarianism. However, Huysmans claims that it ends up being in line with the state's security, as it is seen as an effort to effective migration management control. This approach emphasizes helping the states, and in this case, European Union, to demonstrate the achievement of liberal values towards migration. However, it results to serve the state's security over the humans' security, as the humanitarian actors involved view migrants as disenfranchised victims rather than as a potential security threat, especially when it comes to the unwanted 'illegal migrants' (Huysmans and Squire, 2009). Therefore, the human versus national security approach with regards to migration is disorienting to a far-reaching understanding of the security-migration nexus, but also lacks the intellectual analysis that unveils political and societal processes of securitization.

The critical approach to the security-migration nexus unveils the political power's impact on the public perception of migration. It challenges the researcher to delve into the societal and political causes that migration is presented to jeopardize security. The political framing of migration as a security threat is constructed by the dominant national narrative (Buzan 1991, Wæver, 1995). Migration is not a security threat per se. Besides, although migratory movements exist from a very

early age in modern times, hardly can someone pinpoint in the traditional security studies (Kalantzi, 2017).

As Bourgeau (2014) concludes, there are two types of routine in the studies of the School of Copenhagen and the School of Paris, that are not contradictory, but rather provide a holistic understanding of securitization studies. On one hand, the School of Copenhagen demonstrated a logic of exemption meaning that political authorities legitimize exceptional policies and practices in the face of an existential security threat, and on the other hand, the School of Paris, focuses on the logic of routine, where the security professionals and bureaucrats give prominence to relevant issues through routinizing and normalizing practices with the strong involvement of technology as a means of achievement. The study aims to examine the ways that the EU and Greece apply securitization policies related to the management of refugees and how this is reflected in the degradation of human rights provisions for the refugees, based on those two schools of thought.

1.3 Literature Review

Reviewing the literature is a crucial part of a study as it not only familiarizes the reader with the relevant studies but also sets a solid theoretical and empirical ground on which the thesis is going to be based. Therefore, after having analyzed the main concept of securitization, referring to recent academic work about securitization will open a dialogue and demonstrate fruitful contributions and gaps to the studied topic.

1.3.1 The migration-security nexus in the EU

Securitization with regards to EU policies since 2015, has been widely discussed by scholars. Ferreira (2018) argues that the EU adopted exceptional measures that crosses the threshold of normal politics and led to unlawful practices such as the EU-Turkey deal. The author suggests that the EU should find a solution to protect its external borders while simultaneously ‘preserving the freedom of movement’ (Ferreira, 2018). In their comparative research regarding FRONTEX’s activities during the 2005-2006 and 2015-2016 periods, when sharp arrivals were marked in the Mediterranean, Léonard and Kaunert (2022), demonstrate how the EU agency’s mandate reduced

itself to a ‘security continuum which was characterized by survival, existential threats, and militarization’ (ibid, 1427).

According to Stępka (2022; 199), the “securitization as the work of framing” approach provides a useful lens to delve into security-oriented policies in the EU level. On one hand, the Parliament provided for a more human-centered migration ‘crisis’ construction presenting it as a ‘human tragedy’ where the refugees were the referent objects in need of the EU’s protection. On the other hand, the Commission’s rationale was more of a risk-centered nature as it focused on the inflow management through strengthening the vulnerable EU external borders. Lastly, the Council adopted realist approach on security as it emphasized the need for defensing the EU borders with military means in order to prevent the so-called exploitation and abuse by trafficking and smuggling networks. These findings reveal that EU bodies applied various securitization patterns, as security should be approached as ‘a single powerful discursive act, but a continuous, inter-subjective and iterative process’ (ibid, 200).

In a wider framework Squire (2015) stresses the importance of understanding the real source of securitization. She claims that we should become versed that ‘the absence of causality between the purported source of the threat and the actual policy problems while pointing out that the actions of the securitizing agent actually frequently produce the problem’ (Nagy, 2016).

Hintjens (2019) while analyzing the role of the audience, counts three securitization moves in the EU, the first two unsuccessful and the third one is successful. Analyzing the sharp arrivals of refugees in the EU since 2015, she indicates that the first move entailed the traffickers who were involved in a new slave trade (Kingsley, 2015), where the refugees are the referent objects, i.e. the actors that are entitled to our empathy. The second unsuccessful move entails the shift of the referent object to the EU itself, which came to the fore to counteract the smuggler through coordinated operations in the Mediterranean (ibid, 189). None of those securitization efforts were successful in the audience’s acceptance. What she considers successful though, is the third move, which describes the efforts of the EU towards achieving the EU-Turkey deal (ibid, 192).

1.3.2 The migration-security nexus in Greece

With regards to Greek policies of securitization, Kalantzi (2015) referring mostly to the pro-2015 sharp increase of arrivals of refugees in Greece, concludes that securitization in Greece is

performed through the transformation of intrinsic problems of the current political regime by creating the idea of migrants and refugees as potential threats through othering. Furthermore, she stresses that even though 'security' seems to provide a comfort zone to the majority of the national population, the *dispositif* of governmentality actually provokes insecurity in the citizens, as it acts as an evaluator about who needs to be protected and who needs to be sacrificed (ibid, 243).

The long existing impediments of the Greek migration politics stayed unresolved but framed differently in the case of the refugees phenomenon after 2015. Although SYRIZA/Anel coalition attempted a turn towards more inclusive policies at the beginning, their political choices to support the application EU-Turkey deal with surrounding measures as well as the lack of a consistent reception and asylum policy appeared to advance deterrence actions (Skleparis, 2017). However, as Papataxiarchis (2022) indicates, since 2020 the new government of New Democracy shrank the legal category of 'asylum seeker' by eroding legal protection, accelerating the asylum procedures without providing safeguards and reducing the refugee population through pushbacks and legally ambiguous returns. Koros (2021) syllogizing on the regularization of pushbacks in Greece, suggests that this practice should be perceived as a racist state crime that becomes a central governmental policy to secure borders, and is characterized by an absolutism of denial from the Greek authorities.

Tsitselikis (2018) accentuates that since 2016, the EU and Greece failed to provide safeguards about the efficient protection of refugees with the unlawful EU-Turkey deal, and the even burden-sharing especially by minimizing relocation and family reunification provisions. Greek State's contribution to securitizing the migration issue did not stem only from bad management, but most importantly from the insecurity of law caused by the intense volatility of the law, which leads refugees to a legal dead-end with regards to their mobility options (ibid, 14).

The current thesis will enrich the securitization research in Greece and the EU, by adding significant inputs to underexplored issues from 2015 to 2022, when new policies and legislative amendments came into prominence.

2. Research Design

The research design is one of the most crucial parts of a thesis as the researcher shall take stock of the selection of data as well as the preferred methodological formatting (Roselle & Spray, 2016).

2.1 Epistemology

Epistemology refers to the process where every research product relies on the researcher's worldview (Hoffman, 1981). In Denzin and Lincoln words (2000, p. 157). 'Epistemology asks, how do I know the world? What is the relationship between the inquirer and the known? Every epistemology…implies an ethical-moral stance towards the world and the self of the researcher'. In the current research, an interpretivist approach is adopted. Interpretivism, in contrast to positivism and foundationalism, supports that the reality is socially constructed and multiple interpretations can be deployed in the effort to analyze several phenomena (Halperin and Heath, 2017). Alongside interpretivism, social constructivism is also adopted. The latter refutes the existence of a singular and universal truth and in the current context will assist to the researcher's effort to draw conclusions of how others perceive and give meanings to the world.

Social constructivism and interpretivism, as epistemological stances, become useful in the study of securitization, as the premise of the latter is to help this research examine how the status quo has framed the refugee issue as a security threat (Creswell, 2018). Namely, it intends to examine how refugees are viewed as potential existential threats to the functioning of the European community, and what kind of means are deployed by the securitization actors in order to avoid the perceived threat.

2.2 Data Collection

Data is the collected evidence or information that facilitates the connection of the empirical world to the research question (Halperin & Heath, 2017). This study is supported by both primary and secondary sources of data. Secondary sources are the ones that 'do not require direct contact between researchers and participants' (Hoover Green & Cohen, 2021) and include hereto mostly previous academic works found in scholarly books, academic articles or websites. They reflect the author's point of view and are handled and reanalyzed for the purposes of the current research. Additionally, I will also use official data derived from acknowledged organizations or governmental bodies, agencies, NGOs and other bodies that are actively involved with refugee

affairs. Primary data include findings from national and international human rights mechanisms such as case law, legislation, regulatory texts, such as EU directives and regulations, European, national and international treaties, as well as political statements, all of them in relation to the research in question. Furthermore, I will examine EU policy developments, documents from the European Commission, European Council as well as domestic policies that are reflected in documents from the Greek authorities.

The aforementioned data can be divided into qualitative and quantitative. Since I have adopted an interpretivist/constructivist epistemological viewpoint, I will mostly process qualitative data such as articles, reports or statements. However, to provide a holistic account on how securitization policies have arisen, numerical data such as official statistics will be used to corroborate the analysis of this research.

2.3 Methods

The methodological approach of a thesis is likely the most challenging part. The writer must set clear lines with regards to the methods used and the finding of information, their organization, and finally the results. According to Coomans, Grünfeld and Kamminga (2010), human rights research may entail many pitfalls. Among the main common mistakes, is the confusion between 'what has been investigated with how it has been done' (ibid). The methodology should also designate the way that the researcher will come up with results and shall penetrate the entire study.

For the analysis of data and in order to draw solid conclusions, I deploy two research techniques: Desk Research in relation to speech acts and Case Study.

Secondary or desk research refers to research method that examines already existing data, either primary or secondary. For the purposes of the thesis, I will combine it with the speech acts that is already engrained in the Copenhagen's School theory on securitization. The latter is based on the premise that a connecting link between security and migration can be identified through looking into verbal or non-verbal acts that create social constructions of emergency security issues (Laura, 2020). This will contribute to the understanding of the laws and political stances that were enacted in the aftermath of 2015 refugee phenomenon.

2.3.1. The case study of Greece

The migration policies and response in Greece cannot be compared or analogized to any other country. Of course, its unique geopolitical location, its proximity to the Middle East, and its complex geomorphology including water and land borders should not be easily disregarded. The ongoing financial crisis and the subsequent scrutiny measures affected considerably the Greek people's attitude towards the migration debate. Besides, the refugee phenomenon may lead people either to a sense of deterrence or a need for solidarity; however, it seems very unlikely that people be apathetic about the arrival of the 'Other' (Christopoulos, 2020). The xenophobic and racist speech was widespread and supported by the dominant media in the years concerned. Besides, the Islamic religious background of the people arriving from the Middle East was instrumentally used by the media and far-right parties to denote that Islam and its 'dangerous' implications may affect the hosting countries (Lazaridis & Tsagkroni, 2015).

The fact that Greece's borders constitute the EU's external borders has a central position to the high interest of the EU to enhance the security narrative. It is interesting though, to examine how the EU and Greece itself viewed this unique territoriality, adding always, the interplay between the financial and 'refugee crisis' (Carastathis, Stathopoulou & Tsilimpounidi, 2018; Lafazani, 2018). Talking about securitization, the analysis will focus on how politics are transformed to shape stringent conditions for the refugees while unprecedented pressure arrived in the European archway. While the EU has been designing EU acquis and human rights laws for many years and, also, for 'crisis' situations, the response to the 2015 refugee inflows seemed to menace the well-founded Directives, Regulations and treaties. So did the European unwillingness to protect the fundamental rights of refugees, by tightening the framework and minimizing standards provisions and legal ways for their movement, especially when it comes to the first country of asylum and the safe third country. In extension to the EU's behavior towards the issue, the example of Greece as a case study will showcase the multiple ways used towards intensifying the securitization discourse.

3. Securitization in the European Union

3.1 Introduction

This chapter focuses on the securitization perspectives that arrive from European Union (and its main institutional actors, the Council, the Commission and the

Parliament), analyzing specific relevant-to-migration legal documents such as the directives and regulations, as well as halfway solutions such as the notorious EU-Turkey common statement. Although securitized speech, politics and policies are usually enunciated at the national level, the EU has an integral role in the securitization of the refugee issue, as it is the main actor who performs lawmaking and formulates policies for the member-states (Karamanidou, 2015), based on the shared-competence regime in migratory affairs. This is intensified by the formation of European institutions that are responsible for managing the agendas and implementing the decisions as well as by the existence of external borders that identifies it as a distinct political entity (ibid, 37). Many scholars argue that the EU policies, especially after 2015, view migrants as security threats (Sperling & Webber, 2018; Leonard & Kaunert, 2022, Bello, 2022).

In the present chapter, I will employ an analysis and discussion of the main EU legislative documents and solutions (such as the EU-Turkey joint statement) that are embedded in the EU's responses to the refugee arrivals and which have a direct impact on the policies that frame migrants as imminent threats based on a security *rationale*. Moreover, I will try to demonstrate how the already existing legal instruments are not deemed sufficient to cover the protection needs of refugees as well as how the new suggested mechanisms represent a securitized solution that benefits the retrenchment of the EU rather than the refugee rights.

3.2 The Schengen Treaty

The Schengen agreement, which was signed in 1985 by five European countries, became the Schengen Treaty in 1990, and came into force in 1995[2], is admittedly an integral part of the European Union's legislation about the enhancement of securitization and curtailment of certain freedoms (Huysmans, 2000; Van Munster, 2009). The very significant contribution of the Schengen Treaty to European integration includes the abrogation of internal border controls and the right of free movement to the citizens of the signatory member-states. Hence, it provides greater economic externalities as well as efficiency gains with the free movement of labor.

Van Munster (2009, 21) pointed aptly out that Schengen Treaty signifies the absolute association between free movement and security and that '*from then on, it was no longer a question of free*

[2] For full access to the document see EUR-Lex - schengen_agreement - EN - EUR-Lex (europa.eu)

movement alone, but a question of free movement and compensatory measure'. This association yielded policies that aim at the control of immigration. Enhancing the internal security of European member-states had a two-fold meaning; firstly, practical as there should be regulations regarding the safeguarding of borders, and abstract, as there should be rules that would lead to the European integration project (Ceccoruli, 2019). However, the Schengen construction was threatened significantly as of 2015, when the arrival of refugees became more prominent, especially in the frontline countries.

The Agenda on Migration set up a two-fold goal in the light of the increase of incoming refugee flows towards Europe; ensuring the fundamental human rights provision, that is interpreted in preventing the loss of human lives and securing EU borders (European Commission 2015a). The first implementation package that was agreed on in May 2015, stipulated the intensification of assistance and solidarity to the first-entry states, Greece and Italy, in order to hinder secondary movements. Therefore, a primary solution to this issue came with the launching of the relocation scheme based on solidarity among the EU member-states to alleviate the pressure of the incessant arrivals of third-country nationals in Greece and Italy. The shortcomings of the relocation scheme will be discussed more thoroughly in their entirety in the following subchapter. In any case, the relocation scheme did not suffice to resolve the issue of asylum seekers' fair distribution as a burden-sharing mechanism (Tsitselikis, 2018; Bauböck, 2018)

The main challenges that jeopardized Schengen's acquis were firstly the incapability of frontline countries to impose effective controls on their external borders as Schengen frontier states and, secondly, the uncoordinated actions of member-states by imposing exceptional controls on their national borders (Ceccoruli, 2019). By the end of 2015, Germany, Austria, Slovenia, Hungary, Sweden and Norway performed internal border checks invoking article 25 of the Schengen Border Control which mentions that States may apply internal border control to reestablish internal control in the event of a serious threat and only for a limited period (European Commission, 2015b). According to the minutes of the European Council in February 2016:

> '*In response to the migration crisis facing the EU, the objective must be to rapidly stem the flows, protect our external borders, reduce illegal migration and safeguard the integrity of the Schengen area. It is important to restore, in a concerted manner, the normal*

functioning of the Schengen area, with full support for member states which face difficult circumstances.' (European Council, 2016a).

Therefore, the second implementation phase sidelined the 'saving lives' in favor of the 'securing borders' objective by making an obvious securitization move (Ceccoruli, 2019). As many EU countries were very disappointed with the poor ability of Greece to manage its external borders and subsequently prevent secondary movements. The barrage of unilateral internal border control mechanisms was introduced by several EU countries, which has special significance not only because the Schengen Treaty was destabilized but mostly because the EU and its instruments corresponded to this as a *collective securitization* actor. According to Sperling and Weber (2019), '*collective securitization requires that the actor in question acts on behalf of other empowered actors who themselves may have individual securitizing imperatives*'. Moreover, they found that the EU, given its *thick* power as it is an autonomous organization that exercises power over its members, securitizes policy domains according to its will (ibid, 237).

The top priority for the EU was to restore order and preserve the Schengen regime and the EU's existential security at any cost. From this point onwards, securitization of migration in the Schengen area came into absolute prominence with all emphasis given to safeguarding Schengen borders and shielding the most sought-after European integration. With the third implementation packet, the EU made clear that efforts should focus on the relocation scheme, the hotspot approach, the conformity to reception conditions as well as the facilitation of the return of irregular migrants.

Apart from all the above, the greatest securitization came with the 'Back to Schengen – a roadmap' Communication by the Commission, the Council and the Parliament, where the importance of conformity to Schengen rules is exclaimed forcefully (European Commission, 2016a). Three core recommendations were that Greece has to align with its obligation to secure its external borders effectively as a frontline member-state, the member-states must cease the wave-through approach by imposing unilaterally internal border controls and that all member-states should work together to achieve coordination of activities regarding border management. Simultaneously, following the decision of the Commission to broaden the mandate of FRONTEX into a fully-fledged European Border and Coast Guard:

'…Frontex should take preparatory steps to enable the European Border and Coast Guard, once operational, to immediately conduct the first vulnerability tests under the proposed

*risk assessment and prevention mechanisms and complete them by September at the latest. This is in particular relevant since migration routes might change and all sections of the EU external borders should be secure' (*European Commission, March 2016*).*

It should be noted that the creation of a European Border and Coast Guard was agreed upon in 2016, after recurring unsuccessful efforts in 2001, 2004, 2006 and 2014. A second very important parameter is that the European Coast Guard should increase cooperation with Turkey, after the EU-Turkey dialogues whereas the two parties had already agreed on a Joint Action Plan (European Commission, 2016a). This event paved the way for the upcoming EU-Turkey deal which was highly scrutinized as a black mark for human rights.

What kind of 'crisis' led the EU to demonstrate its power and armor its borders? Ceccorulli (2019) forcefully supports that it was an internal crisis, denying the external crisis that was supposedly brought about by the high number of arrivals. The EU member-states themselves proceeded to successive spasmodic actions by imposing unilateral border controls and that the EU in response to that rushed to bring the order back with the securitization of Schengen (ibid, 317; Waever 2015). Besides, the most important observation someone would draw is that this securitization focused on the protection of borders sidelined the international protection imperative to protect lives by neglecting human rights obligations.

3.3 The Dublin Regulation

This chapter will focus on the current revised Dublin Regulation (No 604/2013)[3], which defines the criteria for the MS that is responsible for examining a third country's national's asylum application, in order to examine its effectiveness as well as the role it played in the securitization discourse. The Dublin Regulation is one of the five legislative acts of the EU's Common European Asylum System (CEAS), which sets out the common standards for asylum seekers in the EU[4].

Apart from the Stockholm Program in 2005 and the Hague Program in 2010, which dictated the need to move from minimum to common asylum policy standards, the amendment of the Dublin

[3] For full access to the Dublin Regulation see https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:02013R0604-20130629

[4] For the full text of CEAS see https://home-affairs.ec.europa.eu/policies/migration-and-asylum/common-european-asylum-system_en

Regulation II (343/2003) came as a response to the Greek State's inability to provide protection safeguards to asylum seekers. The momentous decision of the *M.S.S. v Belgium and Greece* case acted as a catalyst for expanding the scope of the Regulation by holding Belgium and Greece responsible for breaching articles 3 and 13 of the European Charter of Human Rights (ECHR). Briefly, the case was brought to ECHR by an Afghan national against, on one hand, Belgium, which tried to return the applicant to the first country of entry, and Greece on the other hand, which exposed him to inhuman and degrading treatment. It should be noted that this decision led to the suspension of all returning transfers to Greece until 2017, when it was suggested to become reactivated (Karamanidou, 2021). What makes this decision of suspension noteworthy is that 'not-rebuttable trust' is not allowed when fundamental human rights regarding the protection of the applicants are at stake (Brower, 2013).

Indeed, the principle of *mutual or interstate trust* in asylum law insinuates that all MSs are bound by the same lawfulness and quality about respecting the rights of asylum seekers according to international law (ibid, 138). However, in the case of M.S.S. v Belgium and Greece the court clarified assertively that '*…the general situation was known to the Belgian authorities and that the applicant should not be expected to bear the entire burden of proof*,' as well as '*the Aliens Office systematically applied the Dublin Regulation to transfer people to Greece without so much as considering the possibility of making an exception*.' The fact that Belgium did not consider the poor conditions and ill-treatment of the applicant by the Greek State, reveals its political choice to apply blindly the Dublin Regulation and to opt to neglect the legal precedents that had condemned Greece for the same reason[5]. In addition, the Dublin Regulation itself demonstrated the EU's securitization agenda by applying a limited scope regarding safeguards for asylum seekers.

In the wake of this decision, the recast Dublin Regulation III in 2013 offered a wider scope but is still greatly scrutinized for its lack of fitness to provide an effective solution, especially after the 2015 sharp increase of refugees in the EU (Grigonis, 2016; Roots, 2017; Tsitselikis 2018;). It is argued that the EU tries to reshape its migration policies by adapting the already existing legal tools such as the discussed regulation (ibid, 7; Tubakovic, 2017). However, the Dublin regulation is rather a burden-creation than a burden-sharing legislative act, which has put the most pressure

[5] For example, see K.R.S. v UK https://hudoc.echr.coe.int/fre#{%22itemid%22:[%22001-103050%22]} and Bundesrepublik Deutschland v Kaveh Puid https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A62011CJ0004

on the border countries. On top of that, the inefficiencies of the asylum systems of the southern Mediterranean countries have undoubtedly worsened the provision of protection for refugees. Simultaneously, the partial and sometimes absolute lack of solidarity of the other MSs professed the unwillingness to form into line with the EU's migration policies.

According to the recast Dublin Regulation, the entire Dublin procedure shall not take more than 11 months to take charge of a person. In the case of family reunification, the reality has strongly refuted this optimistic scenario. The lack of administrative and financial guarantees in the first-entry countries led to a significant backlog. At the same time, the rest of the MSs opted for the well-documented practice of piling asylum requests, which can also be seen as a part of the already complex procedural demands of the family reunification procedure (Maiani, 2016). Moreover, the systematic denial of the MSs to recognize the existence of family ties as well as to accept discretionary clauses, especially on humanitarian grounds, enhanced the procedural setbacks and did not facilitate the human rights provisions for asylum seekers (Brandl, 2016). Additionally, the Dublin regulation offers a limited scope with regards to the eligibility criteria for a family to be reunified, by providing almost exclusively for first-degree affinity, which was also formed before the applicant arrived on the territory of the Member States. This provision is greatly problematic. It infringes overtly on the right to family life ECHR, 8 (2) and adds the parameter of suspicion towards asylum seekers who may form relationships upon arrival.

It can be agreed that the Dublin Regulation reinforces the asymmetrical sharing of responsibility as it defines '*single MSs as responsible and allows for those countries unaffected by refugee inflows to avoid engaging in responsibility sharing arrangements'* (Tubakovic, 2017). Although Dublin Regulation III provides for an early warning and preparedness mechanism, this has not been possible to date, as it was difficult to reach a political agreement on triggering the mechanism in the absence of clear criteria and indicators to measure the pressure. (European Commission, 2016b). This is a clear example of politicizing and securitizing the migration issue after 2015, as MSs demonstrated an unmitigated conflict of national interests in corresponding to the migratory pressures in a way where the burden would not be wholly owned by the frontline MSs, and thus denied achieving mutual political agreement. Instead, the EU proposed lower-impact measures that either reinforced externalization and deterrence (the EU Turkey deal) or stood as insufficient

solutions (relocation scheme and enhanced involvement of the EASO). Those measures will be analyzed thoroughly in the following chapters.

Among other legislative reform proposals, the proposal for the revision of Dublin Regulation III came through Commission's Communication in April 2016 (European Commission, 2016c). The EU placed two primary challenges that must be resolved: first, reducing the secondary movements and the so-called 'asylum-shopping' and second, relieving the enormous pressure that border states face. The first step is to sanction applicants that have performed secondary movement by processing the request through accelerated procedures, the second step is to increase the allocation of responsibility by recommending that '*only one member state is and shall remain responsible for examining an application and that the criteria of responsibility shall be applied only once*' whereas the third provides for the creation of a corrective allocation mechanism in case that a member state reaches 150% of its fair share of applications (European Commission, 2016b; Tubakovic, 2017).

The proposed measures that were just described make Dublin Regulation IV, another outdated and securitized version of the Dublin System. Similar to Dublin Regulation III, as the border states continue to be the 'gatekeepers' of the EU construction, it is unlikely by definition that responsibility sharing will be more balanced. Moreover, instead of strengthening the human rights protection that has been proven to be more beneficial, the recast proposal introduces sanctioning. Imposing sanctions on applicants is a conscious securitization measure as it ignores asylum seekers' motives and agency. Unfortunately, as Maiani (2016) points out '*applicants have (successfully, though at a high price) striven to retain a measure of self-determination even in the face of systematic coercion, national "interruption" practices harsh as those foreseen by Art. 20 DIVP, and extreme deprivation'*. Indeed, the Dublin Regulation shrinks the individual agency and the right to choose, a securitization tactic that is proven inefficient.

3.4 The Relocation Scheme

In May 2015, in the context of the EU's Agenda on Migration, the Council draw the proposal '*establishing provisional measures in the area of international protection for the benefit of Italy and Greece*' (European Council, 2015). Therefore, the relocation scheme was introduced aiming at assisting the two frontline countries based on fair burden sharing among member-states

(European Union, May, 2015). More specifically, a mechanism that dictates that the other member-states should receive a specific number of third-country nationals is established, based on the principle of proportionality. Proportionality applies both to the number of refugees that would be able to be relocated from Italy and Greece according to the number of incomes, and also to the number of refugees that each MS would receive based on certain factors such as the size of the population, the total of the GDP, the average number of spontaneous asylum applications and the number of resettled refugees per one million inhabitants over the period 2010-2014 and the unemployment rate. A total of 40,000 migrants, 24,000 in Italy and 16,000 in Greece, an amount that corresponded at that time to the 40% of the total number of people in need of international protection who entered these states in 2014.

The 'Second Implementation Package' that followed in September 2015, added the possibility of 120,000 extra relocation places, namely 15,600 in Italy, 50,400 in Greece, and 54,000 in Hungary. The latter was never committed to its obligations and the extreme anti-refugee hate speech of Victor Orban, its Prime Minister, led relocation to be a 'politically unnecessary' choice (Guild, Costello & Moreno-Lax, 2017).

Undoubtedly, a highly problematic fact was that the receiving MSs were not particularly willing to duly commit to the relocation obligations (Sabic, 2017; Guild et al, 2017). According to official data as of December 2017, only 11,444 persons from Italy and 21,710 from Greece were finally relocated (UNHCR, 2017). Apart from claiming a lack of relocation capacity by reception standards, some countries opted to abstain from the scheme. The most characteristic example of this negative response is the stance of Visegrad 4 (Hungary, Czech Republic, Slovakia, and Poland) as well as Austria (Pachoka, 2015; Guild et al, 2017, Sabic, 2017). Hungary and Poland were opposed in absolute terms to the relocation plan, while the other countries received an insignificant number of asylum seekers only at the end of 2017. The anti-migrant and anti-refugee populist rhetoric of the Visegrad 4 were focused on the root-cause approach that the EU should safeguard its external borders by also provocatively presenting an imaginary connection between the beneficiaries of the relocation scheme to the attacks that took place earlier in France and Brussels (Guild et al, 2017).

Notwithstanding the extremities mainstreamed by the V4, many other MSs approached the quota reluctantly. Claims of ill-preparedness considering the massive arrivals as well as lack of

operational capacity to accommodate relocation requests (Sabic, 2017) cannot be considered solemn responses to the issue. Besides, the unwillingness of MSs to create the appropriate conditions for reception demonstrated detachment from the burden-sharing vision and fostered the already existing problems of the hotspot approach.

Two limitations were applied in the implementation of the relocation scheme. Firstly, the scheme should remain aligned with Regulation No 604/2013 (Dublin Regulation) which is justified by the existence of family members in other countries in the case of family reunification. Secondly and most importantly the rule of 75% of recognition rate:

> *'…it is proposed to apply this Decision only in respect of applicants who are, prima facie, in clear need of international protection. This proposal defines those applicants as those belonging to nationalities for which the EU average recognition rate as established by Eurostat is above 75%.'*

This '*European-inspired cutter*' (Tsitselikis, 2018) was in total contradiction to a core refugee law principle of the personal scope of asylum-seekers claim that is also protected by the individual asylum interview. Eligibility for relocation cannot be based on originality as 'This criterion is legally and ethically problematic and has meant that even in its short period, the nationalities eligible for relocation have changed considerably (Guild et al, 2017). For instance, Iraqis were initially eligible for the relocation scheme, something that changed afterward because of the 75% clause. The changing circumstances in the country of origin should not be a disqualification factor either in an asylum request or in the eligibility of a relocation mechanism that should be bound by the same provisions.

A significant parameter for the failure of the relocation scheme was also the absolute lack of refugees' involvement in the decision-making regarding the selection of the receiving country. Without considering any family links, asylum seekers had no option but to depart to a preselected EU country. Again, the absence of personal scope not only revealed the EU's tendency to securitization by imposing their permanent place of residence but mostly it led to the failure of the Dublin regulation. This is explained by the high number of secondary movements that followed (Guild, Costello, Garlick & Moreno-Lax, 2015).

3.5 The EU-Turkey Deal

The discussed EU securitization move in the form of externalizing the refugee issue did not come out of thin air. Specific actions ascertained the EU's intention to externalize the refugee issue since few years before the EU-Turkey common statement (Thevenin, 2021). The Visa Deliberation Discussion in 2013, which allowed Turkish nationals to enter Schengen for short stays, was eventually sealed by the signature of the EU-Turkey Readmission Agreement, regarding the readmission of persons who reside without authorization, which came into force in 2014 (European Commission, 2014). However, it can be articulated that the Joint Action Plan between the two parties (European Commission, 2015c) was the precursor of the upcoming EU-Turkey deal whereas the first provided '*the EU with a voice on Turkey's migration policy'* (Ceccoruli, 2019) by aiming at preventing migratory arrivals through readmission to Turkey.

Therefore, the EU was preparing the ground by externalizing the refugee response instead of taking measures that would promote international law and human rights. As a result, the EU-Turkey common statement was agreed upon in March 2016. Contested for its legality, the EU-Turkey agreement provided that 'all new irregular migrants crossing from Turkey into Greek islands as from 20 March 2016 will be returned to Turkey and that for every Syrian who is being returned to Turkey from Greece, another Syrian will be included in the resettlement scheme from Turkey directly to an MS (European Council, 2016d). The amount of initially three and later another three billion euros was provided to Turkey by the EU for the implementation of the deal.

The core problem with the EU-Turkey deal is that it assumes that Turkey is a safe third country. Most sadly, it assumes that Turkey complies with the European legislative prerequisites regarding asylum, as these are defined in the European Charter of Fundamental Rights and the relevant regulations and directives. Among these are that the law applies democratically, that persecution, torture, degrading treatment, or punishment on the grounds of opposing political beliefs shall not be performed, effective remedies against violations or freedoms shall always be available, as well as that the principle of non-refoulement is well respected. To understand its importance, the principle of non-refoulement is included in numerous regional and international human rights conventions whereas it has entered customary law as a *jus cogens* norm[6] (Poon, 2016)

[6] A jus cogens norm is a peremptory norm from which no derogation is permitted

Interestingly, the Commission considered that Turkey fulfills the sufficient connection requirement according to which the applicant has transited through a third country that is geographically close to the country of origin (ECRE, 2016). Many national courts have rejected the legal basis of this argument, explaining that mere transit without any other links cannot justify such a decision (ibid). Moreover, the Union considered quite arbitrarily that Turkey possesses sufficient guarantees to proceed legally with collective readmissions from Greece to Turkey (Tsitselikis, 2018).

This one-to-one return, which sadly reminds the biblical an eye for an eye, demonstrated the high need for the EU to create a deterrence mechanism to prevent upcoming arrivals. Furthermore, the EU and its instruments deemed Turkey as a safe third country while the Geneva Convention applies to Turkey with geographical limitations. This indicates that Turkey can provide only partial and not full protection to asylum seekers not coming from the EU (Poon, 2016). The Temporary Protection Regulation of Turkey that applies exclusively to Syrian nationals is criticized as it is not only based on the country of origin instead of the merits of the application (ibid, 1202), but also deters local integration, provides limited protection, and eases repatriation (Durieux, 2015). Once again, the legal criteria provided for by the relevant directives regarding the first country of asylum[7] are not fulfilled in the case of Turkey.

It is very important to remark the case brought upon the General Court of Luxemburg which concluded that this statement does not constitute a legally binding agreement and that '*the agreement would have been an agreement concluded by the Heads of State or Government of the Member States of the EU and the Turkish Prime Minister*' (GCEU, 2017).

The EU's externalization regarding the refugee issue is a well-known European practice. Despite the blistering critique by the international community, scholars and human rights NGOs, the EU proceeded in 2017 with the realization of another agreement to prevent arrivals at the Central Mediterranean route, namely from Libya to Italy. Therefore, the Malta Declaration was signed in February 2017 stating that the EU's main purpose is to train the Libyan coastguard to prevent smuggling, promote SAR operations, and hinder the departures of unseaworthy vessels towards Europe. In the aftermath of the EU-Turkey deal, another deterring agreement confirmed the

[7] i.e. see Article 35 Directive 2013/32/EU

political will to protect the European fortress despite the international outcry regarding the systematic violations of human rights. According to Thevenin (2021), 'the results of this contribution show that the politicization of the external dimension of EU migration policy presents a compelling case in which the security dimension already in place can lead to politicization'.

Hintjens (2019) in her analysis of 'Failed Securitisation Moves during the 2015 "Crisis"', concludes that although the first two securitization moves failed to convince the audience, as securitization receiver, the EU-Turkey deal that followed was successful. This success lies in the EU's ability as a securitization actor to convince the receiving audience through alternative strategic othering; victimizing the migrants and turning direct attention to the war on smugglers (Schenk, 2020). However, according to (Perkowski and Squire, 2019) the European anti-smuggling agenda can be considered an anti-policy that stems from latent political disagreement taking into consideration that the EU opted to seal all the available corridors instead of providing a sustainable solution to the refugee pressures.

The end of human rights protection and the prioritization of securing the EU against refugees was sealed with the adoption of the EU-Turkey common statement in the post-2015 refugee phenomenon. The absolute lack of a durable solution that was underlined with this deal upstaged the possibility to enhance preparedness and enrich policymaking tools to receive refugees, according to the fully inclusive European and international refugee legislation. The political decision of declaring Turkey as a safe third country put Greece in the uncomfortable position of implementing the EU-Turkey deal by taking legal risk whereas the rest of the MSs were observing the outcome (Gammeltoft-Hansen & Tan, 2017). the Union, with the blessings of Greek authorities, who undertook the responsibility of the admissibility examination, resorted to the externalization of the refugee issue.

3.6 The Reception Directive and the Hotspot Approach

This essay will also examine the role of the recast Reception Directive 2013/33/EU[8], an integral legal component of the CEAS, which defines the standards for the reception conditions of

[8] For full access to the document see https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2013:180:0096:0116:EN:PDF

applicants for international protection. It is important to see the degree of conformity in its implementation by MSs, especially in Italy and Greece as the EU border states. In the wake of the blocking of the Balkan route in 2016 as well as the above-analyzed EU-Turkey deal, which left thousands of people immobilized in the Greek territory. However, the analysis of the specific characteristics in the reception of refugees on behalf of the Greek authorities will be discussed in the next chapter.

The recast Reception directive aimed at harmonizing the national reception systems to prevent secondary movements that were caused by the insufficiency of reception policies. Apart from whether the harmonization was achieved or not, it is questionable whether this argument is relevant, as it does not take into consideration various other factors such as leniency of immigration and border control, welfare goods, family links, labor demand, or the existence of diaspora in the receiving country (Brekke & Brochmann 2015). However, the recast Directive illustrates the standards regarding material reception, health and psychosocial support services, financial allowances, access to the labor market and education within a certain period upon arrival. It also regulates the duration of detention periods, the specific reception conditions for unaccompanied minors and special provisions for vulnerable persons.

Although it lies upon the core constitutional principle of human dignity which defines the provisions for human protection, the recast Directive still allows for the discretion of MSs to grant less favorable treatment to international protection applicants compared to nationals where it is ‘duly justified’ (Velutti, 2016) whereas the conditions of living where applicants are held during the examination of their asylum claims are rather challenging than dignified (Wolffhardt, Conte, Huddleston, 2019). Other studies showcase the tardiness that excludes refugees from integration procedures, as in the case of accessing the labor market within the prescribed time limit of six months (Carrera & Vankova, 2019) and the access to or quality of education (La Spina, 2022). Moreover, a very controversial point in the reception discussion is that although MSs have transposed the provisions of the Directive regarding detention, there is still discretion and flexibility in domestic law (Majcher, 2020). Furthermore, even though the Directive specifies that non-custodial or alternative measures should be examined before employing detention, the majority of MSs do not use them frequently (ibid, 455).

Based on article 78(3) TFEU regarding the adoption of emergency measures for migration, the hotspot approach was introduced by the Commission in its May Communication for the Agenda on Migration (European Commission, 2015a). The hotspot approach along with the relocation scheme were the two EU instruments to reckon with the crisis of the Dublin System. Therefore, its main aim was to alleviate the burden that Italy and Greece were facing with the 'unprecedented pressure' by 'managing exceptional migratory flows' (ibid, 4). The means to achieve this was the proper reception, identification and processing of all new arrivals (Casolari, 2015). The operational execution of this approach was assigned to the EU agencies, EUAA, Frontex, Europol and Eurojust, each of them in their field of expertise. For the first time these agencies should cooperate in the same missions, contributing to what has been characterized as 'agentcification'[9]or 'agency governance'[10] but this time in the refugee regulatory context (Horii, 2018).

The first hotspot opened in September 2015 on the Italian island of Lampedusa, two years after the unfortunate event of 366 refugees drowning in their effort to reach the desired EU border (Kourachanis, 2018). A few months later, the Greek islands of Lesvos, Chios, Samos, Leros and Kos, and the Italian Pozzallo, Taranto and Trapani, got integrated into the scheme.

The establishment of hotspots in the main entry points of the frontline countries led to such overcrowding that degrading and indecent living conditions were thriving in total deviation from the provisions of the EU reception policies (ibid, 1155; Guiradon 2017; Trimikliniotis, 2019;). It is difficult to understand even before its implementation how the hotspot approach would enhance the EU's reception capacity considering that the designated entry points were already facing high-scale pressure in their reception systems. The assumption that the EU agencies along with the allocation of additional funding to Italy and Greece would lead to proper management of processing applications was not definitely the primary concern of the EU. On the opposite, its concern was to ensure that refugees would stay at the hotspot facilities, seen as '*spaces of migration containment*' (Tazzioli, 2018), to prevent their mobility within Europe. Furthermore, it

[9] M. Egeberg, M. Margens & J. Trondal, "Building Executive Power at the European Level: On the Role of European Union Agencies", in M. Busuioc, M. Groenleer, & J. Trondal (eds.), The Agency Phenomenon in the European Union, Manchester, Manchester University Press, 2012, 19–41; H. Ekelund, The Agencification of Europe: Explaining the Establishment of European Community Agencies, PhD thesis, University of Nottingham, 2010

[10] C. Kaunert, S. Le´onard & J. D. Occhipinti, "Agency Governance in the European Union's Area of Freedom, Security and Justice", Perspectives on European Politics and Society, 14(3), 2013, 273–284

is supported that the approach was triggered as a supportive mechanism to the ensuing EU-Turkey deal for controlling the migratory incomes (Niemann and Zaun 2017; Kourachanis, 2018), adding an extra layer of emergency to the securitization discourse.

The involvement of primarily Frontex, EUAA and secondarily Europol and Eurojust as EU's executive order and administrative governance has been criticized in academic research. The first two agencies undertook enhanced responsibilities. Frontex was assumed to facilitate the applicants' registration and fingerprinting through the Eurodac system as well as to perform the so-called debriefing, a mapping of applicants' itinerary to investigate smuggling networks and relevant criminal activity. Simultaneously, EUAA's contribution to the hotspot approach was the issuance of opinions regarding asylum claims as well as the assignment of reception experts that would monitor the reception conditions. Broadening the mandate of these two agencies emerged as a result of '*executive soft law and practice*' (Loschi & Slominski, 2022). According to the researchers (ibid, 5), the unwillingness of the EU to officially reform or replace the relevant EU refugee law endorsed the imposition of '*practical and flexible*' solutions to overcome the issue. The fact that the hotspot approach was based on Explanatory notes and operational plans that regulate its existence, cannot be considered a legally binding act. In parallel, the expansion of the European Administrative Space (EAS) through agency governance undermined transparency and law-dependency procedures by ceding space for discretionary agency involvement.

Very frequently the supranational power of these agencies conflicted with national sovereignty, but also the coexistence of both under the same operation created a two-tier hotspot approach. The lack of national resources to cope with the accumulated asylum applications was assisted by the EU agencies' rich capacity in personnel and resources. For instance, according to the EU Parliament LIBE Committee (2017) upon their visit to Moria, '*EASO has taken a very significant role [...], raising concerns about its own competence and overstepping the powers provided in the EASO Regulation*'. Although EASO's role was supplementary to the national Greek asylum office, by issuing advisory and non-binding opinions on asylum claims, it seemed that administrative discretion prospered in the case of the hotspot approach. However, as Tsourdi (2017) concludes, the agency has shifted its mandate from '*traditional assisted processing to the realm of common processing*'.

At the same time, the long-existing debate regarding Frontex's perpetration of violations in the role of securitization actor (Léonard, 2010) continued in the case of hotspots ((Léonard & Kaunert, 2022). Several organizations have reported violations including violence, pushbacks, and denial of access to asylum by countries including Bulgaria, Croatia, Cyprus, Greece, Hungary, and Malta (FRA, 2020; Human Rights Watch, 2021). Frontex's legitimacy, accountability and transparency are considered problematic. Its regulatory framework regarding the performance of operations is not solid, thus allowing Frontex to shift responsibility to MSs (Kalkman, 2020). The agency's management board consists of national public servants indicating the opportunity for national interests to burgeon. Furthermore, on the occasion when the agency launches a Common Security and Defense Policy (CSDP) operation, like Operation Triton in Italy and Poseidon in Greece, standard reporting requirements to the EU are not applicable which provides for even more limited accountability (Dura, 2018). The observed reluctance of Frontex to provide public information and documentation about its activities on the annual reports demonstrates a conscious choice to non-transparency constraining the legal public oversight (Ghezelbash, Moreno-Lax, Klein, & et al., 2018).

Despite its shortcomings, the reception directive stipulates fundamental rights and contributes positively to their protection. However, the hotspot approach enhanced the security discourse by marginalizing refugees on the edges of the European Union, not only in the 'liminal' states, but also in the 'liminal' entry points within these states. These areas, which were in their majority remote islands, were designated to contribute to the filtering of refugees the ones that are eligible for relocation, the ones that could be granted asylum according to the Dublin regulation and the ones that should be returned according to the EU-Turkey deal.

4. Securitization in Greece

4.1 Introduction

Analyzing securitization at the national level demands a basic understanding of the social, political and legal aspects that lead the state to view migrants as potential threats. After having analyzed the most crucial points of the EU's instruments that render the refugee phenomenon a threat to the EU construction, the current chapter will unveil the contribution of Greek national policies and laws to the association of migration with security, when it was confronted with the arrivals of

Syrians, Afghans, Iraqis and refugees from various African countries in 2015 onwards. The case of Greece as a refugee recipient country will start with a brief but necessary introduction to the political response of the Greek authorities to migratory pressures since 1990s. By looking into the history of Greece's responses, I will try to provide a unifying portrayal of the continuity of the migration-security nexus as the kernel of the national tactic in the management of refugees and migrants in recent years.

Moreover, shifting toward the securitization move in question, there will be a thorough presentation of Greece's major response in the wake of 2015 onwards influxes. The poor reception conditions that prevailed demonstrated a lack of solid national plan that led to well-known undignified and precarious living conditions and a dark age in human rights. The refugee 'crisis' as it was phrased by the political elites became actually a 'reception crisis' (Tsitselikis, 2018), as the EU-Turkey deal, the block of the Balkan corridor along with the indolence of a decisive national response that was engrained by the already existed bureaucratic pathogenies had a very negative impact in the conditions of living. Healthcare, education and accommodation as forms of primary provision of reception services were challenged and did challenge the dignity of the hundreds of thousands of refugees who found themselves stuck in limbo (Fotaki, 2019). Instead, detention was imposed for prolonged periods and in many cases arbitrarily, with already existing facilities being utilized as well as with the creation of Pre-Departure Detention Centers for Aliens (PRO.KE.KA.), which sustained the assumption that refugees were seen by the Greek state as security threats (Hamilakis, 2022).

In the next chapter, I will also analyze the breaches related to non-refoulement by bringing into evidence the frequent implementation of pushbacks in the Aegean Sea and on the mainland. Greece's responsibilities will be examined in conjunction with Frontex's involvement as the European border and coast guard agency. An especially alarming trend is that illegal refoulement not only takes place regularly but also has outweighed legal national responses to such a degree that is deemed a normalized policy (Koros, 2021). The encroachment on non-refoulement is accompanied by the strategic criminalization of solidarity movements and SAR operations at the borders.

Moreover, I will show how instead of providing for human rights by enhancing the already existing weaknesses of this system, the Greek state deemed to adopt more deterrent measures such closed

facilities with regulated entry and exit as well as criminalization of civil society and SAR operations.

The present chapter is an attempt to unpack a range of fluctuating political stances and subsequent legislative changes from 2015 to 2022, and what were and continue to be the ramifications in the safeguarding of human rights, and refugee rights hereto. Securitization as the analytical concept provides the ground for examining the policies and laws implemented by the Greek state. Especially regarding the legislation, apart from the EU acquis that regulates the obligations of Greece to follow EU treaties, regulations and directives which have been discussed in the previous chapter.

4.2 The migration security nexus in Greek political and legal affairs

In Greek political affairs, associating security concerns with refugees and migrants at the domestic level constitutes a well-known practice. Securitization discourse was developed already since the 1990s and accelerated since the 2007 financial crisis (Swarts & Karakatsanis, 2013). In contemporary times, the early 1990s signified the period with the highest rate of migration in Greece theretofore (Karyotis & Skleparis, 2013). This migratory wave was predominantly irregular and mixed; after the dissolution of the Soviet Union, many people from the Balkans and Eastern Europe sought refuge in Greece. The same happened with Albanians, who represented 65 percent of the overall migratory population in 2001 (ibid, 689).

The condition of irregular migration in Greece is commonplace due to several factors. Firstly, its geographical location renders Greece a hub of refugee arrivals, as it is located at the intersection of three continents, and it also bears the first country of asylum responsibilities that stem from the Dublin Regulation, as one of the EU's external border. Secondly, other reasons can be found in '*the lack of legal channels for entry… was accompanied by poor border and internal controls, and no legalization program until 1997'*. … (Baldwin- Edwards as cited in Μαρβάκης, 2004). Undoubtedly, the policy of having no policy resulted in the creation of a limbo between legality and illegality for migrants until 1997.

Kalantzi (2015), following a discourse analysis on the parliamentary discussion in the Greek parliament, stresses that the verbal and non-verbal activities intensified the securitization of

migration through the polarization of the topic. The distinction between 'legal' and 'illegal' migration was atop the agenda in the wake of law 2910/2001 regarding the entry and residence of migrants in the Greek territory. The discussion on the legalization of migration is surrounded by tensions that aim to distinguish between legal and illegal means of entry (ibid, 141). The controlling nature in the political discourse as politicians point out that irregular migration can be a threat to the social body and ethnic homogeneity, which made the legalization of migrants a legal instrument not for their own protection but for the protection of Greek citizens' rights.

4.3 The first responses of Greece in the light of the 2015 refugee arrivals

The vulnerabilities of the national reception system were inflamed when the country had to deal with the sharp increase of refugees being stuck in the country after the closure of the Balkan route. Therefore, it is more realistic to refer to it as a 'reception crisis' (Christopoulos, 2016; Tsitelikis, 2018) which stems from the inherent weaknesses in policies and decision-making rather than focusing on the constructed narrative of 'refugee crisis', especially when considering that the EU has developed across time a very comprehensive package of legislation for refugees.

Even since 2014, Idomeni, a small Greek village was favored by refugees as a passing point to the non-Schengen North Macedonia, and Serbia afterward, in order to continue their route toward northern European countries (Pelliccia, 2019). In 2015, Idomeni becomes rapidly a makeshift camp where refugees spend a few days, sleeping next to the railway, under harsh conditions, especially in the wintertime. The closure of North Macedonian's border took place in the moments before the signing of the EU-Turkey deal. Following the prior closure of Serbian, Croatian and Slovenian borders, North Macedonia proceeded to the arbitrary closure of the border to all non-Schengen visa holders (Weber, 2017). This resulted in the admittedly abhorrent situation on the Greek border that was highly displayed in the media, depicting the lack of infrastructure, and poor sanitary conditions. Between 6 to 9 thousand people were left helpless in Idomeni after the closure of the Balkan route (Médecins Sans Frontières, 2016). The only de facto humanitarian corridor within the EU having as a starting point the Greek border closed (Dimitriadi, 2016) in response to the securitized fears about the survival of Schengen. Hence, Greece is gradually transformed from a transit to a state of prolonged stay, yet the reception crisis becomes even more visible. The lack

of a solid long-term plan results in the hasty evacuation of Idomeni, in May 2016, by transferring the population to other camps across Northern Greece.

The formation of the Ministry of Migration Policy arrived late, in November 2016 (Presidential Decree (P.D.) 123/2016), when the problem of overcrowding in inhuman conditions already reached its peak whereas previously migratory and refugee affairs were regulated by the Ministry of the Interior and Administrative Reform. Namely, in 2015 Greece counted approximately 861.000 arrivals by sea and mainland, while in 2016, the number decreased to 177.000 (UNHCR, 2015). Undoubtedly, two overarching trends, the block of the Balkan corridor at the beginning of 2016 and the EU-Turkey joint statement in March 2016, contributed to this significant decrease. However, the incapacity of decision-making and the implementation of firm reception strategies that are required in such kind of situations were not met by the Greek authorities.

4.3.1 Reception in Greece from 2015 to 2019

In April 2016, law 4375/2016 was enacted in order to include the regulation of the hotspots, the EU-Turkey joint statement, and respective reforms of the asylum procedures at the Greek borders. Under this law, the Greek State also transposed the recast Asylum Procedures Directive 2013/32/EU [11] as well as the recast Reception Directive 2013/33/EU[12]. It should be noted at the time when the EU-Turkey deal was signed, Greece had not yet transposed the Asylum Procedures Directive. Based on the latter, Greece transformed its reception policies by upgrading the First Reception Service into General Secretariat, under whose jurisdiction was the Reception and Identification Service (Law 4375/2016). The operation and management of all the hotspots in the Greek islands and Fylakio of Evros in the land border with Turkey, as well as all the existing reception facilities on the mainland, falls under its jurisdiction. Moreover, another forty camp-like facilities were set up to accommodate asylum seekers, but only three of them were officially operating under the Reception and Identification Service, which created various issues regarding the coordinated responses and harmonization of reception policies. (Dimitriadi & Sarantaki, 2019).

[11] For full access to the document see https://eur-lex.europa.eu/legal-content/en/TXT/?uri=celex%3A32013L0032
[12] For full access to the document see https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2013:180:0096:0116:EN:PDF

The national reception system has been characterized as highly complex and centralized (ibid, 15). The involvement of other ministries as well as of non-state actors such as international organizations and NGOs in the operation of the camps as well as the asylum processes was proved a convoluted practice, as many times the duties and mandates overlapped. As Dimitriadi and Sarantaki (ibid, 1) mention in the national report on the governance of the asylum and reception system in Greece 'complex national reception system is still in its infancy with high levels of centralization as regards decision-making processes and high levels of decentralization as regards implementation'. Furthermore, the active role of the EU agencies in processes that are supposed to be of the national mandate has been scrutinized by researchers, as a phenomenon of 'agencification' (Gkliati, 2022). For instance, the presence and function of FRONTEX at the Greek borders and in return operations and mostly in close collaboration with the respective national authorities are criticized for its enhanced mandate (Gkliati, 2020, Fernández-Rojo, 2021).

The contribution of international humanitarian organizations and NGOs was significant especially because the national structure was in its infancy and thus gained knowledge in the field of emergency humanitarian support and implementation of targeted projects for refugee populations. UNHCR increased its presence in Greece after 2015 and, upon the government's request, undertook the coordination and monitoring of multiple key areas. It also implemented the ESTIA urban accommodation project that was available especially for vulnerable asylum seekers, providing dignified conditions of living through collaboration with implementing partners such as local NGOs and municipalities. The accommodation setting of the ESTIA project is deemed a successful solution as it also promoted the coexistence of the local community and refugees and the inclusion of the latter in multiple domains of social life. The International Organization for Migration assumed the camp coordination and camp management (CCCM) mainly in the mainland, the accommodation in alternative housing arrangements, such as hotels and apartments, as well as the coordination of shelters and safe zones for the unaccompanied minors (Dimitriadi & Sarantaki, 2019; 11). Other INGOs, such as the Danish Refugee Council and the Arbeiter-Samariter-Bund Deutschland contributed to the CCCM sector whereas remarkable is the active role of various INGOs such as Caritas and Terre des Hommes and national NGOs such as Praxis, Arsis in the implementation of several projects.

Despite the crucial assistance of these organizations, there has been observed that the overlap of services aggravated the problem in the coordinated responses of reception, as there were no clear lines of a strategic reception plan since the beginning (Kourachanis, 2018). Greece ought to have developed solid policies for reception and identification, as this issue was well-known to the country since the early 1990s and given the country's neuralgic geopolitical position.

The introduction of the EU hotspot approach created five Reception and Identification Centers in Lesvos, Chios, Samos, Leros and Kos islands and another one in the land borders of Fylakio in Evros. The appalling conditions of living in these camps have been criticized at the global level. The extremely inappropriate conditions of overcrowding in prefab containers and tents combined within usually military-like camps were aggravated especially during harsh weather phenomena. Furthermore, all these facilities are located at a great distance from the urban centers, which made access to services an additional challenge. The barbed-wire fences along with the fragile infrastructures signalized that the official response of reception was inextricable from viewing refugee residents as security threats and thus, they should be visually and physically disaggregated from the local population. The deviation between the capacity and occupancy totals is reflective of the alarming situation in the five hotspots; whereas capacity in December 2016 was 8,480 places, the occupancy reached 15.103 residents (UNHCR, 2016).

4.3.2 Asylum Procedures in Greece: from 2015 to 2019

The national asylum service, which was established under law 3907/2011 is comprised of Regional Asylum Offices and Autonomous Asylum Units and assumes the registration and examinations of asylum claims in the first instance, whereas appeals are examined by the Committees. The application of the EU-Turkey deal brought changes in asylum procedures, as admissibility, based on the assumption that Turkey is a safe third country, should be considered in the first place. Therefore, all applicants' claims shall be considered inadmissible, and refugees could seek protection in Turkey. An additional policy that was implemented by the Asylum Office was the introduction of a fast-track asylum procedure according to which applicants were divided in two groups depending on whether their countries' of origin recognition rate was above 75 percent, as in the case of Syrians, or below 25 percent (GCR/AIDA, 2017:20). The legal dimensions of this procedures are greatly complex, 'as it creates a procedural labyrinth, which ultimately contributes to the ambiguity of the asylum seekers' hope' (Tsitselikis, 2018).

Although the first period after the entry into force of the EU-Turkey deal, the Greek asylum service implemented loyally the unlawful deal, rejecting the overwhelming majority of asylum applications without examining the merits on the ground whether Turkey is a safe third country (Gkliati, 2017), the Appeal Committees rejected this assumption in 390 out of 393 decisions (AI 2017: 14), obstructing the application of the deal in practice (Gkliati, 2017; 215). In response to this, the Greek government immediately hurried to amend the composition of the Appeals Committee with the 4399/ 2016 law to ensure the smooth continuation of and total compliance with the EU-Turkey agreement, by placing administrative judges and shifting the majority of the votes to the state (ECRE, 2017; Gkliati, 2017;216) and thus creating the conditions for an outcome that would facilitate the enforcement of the EU-Turkey deal (Tsitselikis, 2018). In alignment with the latter decision was the judgment of the High Administrative Court of Greece (StE) about Turkey being a safe third country and that returns can be legally conducted (judgments 2347 and 2348/2017). It becomes clear that Greece opted to follow the EU's securitization policies without considering the aftereffects on the legality of their decisions and the rule of law as well as contributing to further disorder than this unlawful decision brought.

Under article 14 of Law 4375/2016, Greece introduced a restriction on freedom for up to 25 days for every arrival at the Reception and Identification Centers to ensure that refugees will not abscond from the provisions of the joint statement. The labeling 'restriction of freedom' is misleading as this practice is de facto detention (Dimitriadi, 2016; Majcher, 2018). Notably, in J.R. and others V. Greece, the ECHR found that the deprivation of liberty by the competent authorities in Vial camp, Chios, amounted to detention at least for their first month in the center, until 21 April 2016 when it became a semi-open center (Majcher, 2018). The 25 days threshold proved paradoxical in practice; after that asylum seekers reacquire the right of movement but are restrained from leaving the hotspot unless their application is accepted or are assessed as vulnerable according to the criteria set by the law. As a result, 'people's access to protection has become partially dependent on being classified as 'vulnerable' (Alpes, Tunaboylu & Van Liempt, 2017).

The EU-Turkey deal created a multi-border situation within the Greek territory. On the other side, Greece proceeded to the innovative and illegal infliction of a geographical restriction, with application to all those who arrived after March 2016. All those who arrived at the hotspots after

March 2016 should remain there waiting for the examination of the admissibility with regards to whether Turkey is considered a safe third country. An invisible-to-nationals but highly visible-to-refugees intra-country border was imposed through the arbitrary practice of geographic restriction. The latter derived from the decision 10464/07.06.2016 of the Director of the Asylum Service. The High Administrative Court of Greece (StE) ruled that there were neither justifiable legal grounds nor serious reasons for the general public interest that can justify the infliction of this measure, in accordance with art. 31 par. 2 of the 1951 Convention (Hellenic League for Human Rights (HLHR), 2019). However, a few days later it was reinstated with a new asylum decision, and throughout these years there are constant changes in the practice of the infliction of this measure, which has caused great confusion regarding the designation of the competent Regional Asylum Office (ibid; 6). Besides, the issues that arose are multiple; first, it hindered the free movement of asylum seekers within the country, second, it overburdened the islands, including the local authorities and population, which were already confronted with massive arrivals from Turkey, and third, it left thousands of refugees piled in inadequate for long-term accommodation structures. The imposition of geographical restriction is a unique practice in the EU. This illegal practice was not provided for by the EU-Turkey deal and was taken by Greece's own volition, leading to the erosion of fundamental human rights.

4.4 Reception and Asylum in Greece: from 2019 onwards

The ramifications of the hotspot approach and the EU-Turkey deal in relation to Greece's role in the national reception policies have been well-researched, especially with regard to their contribution to the securitization discourse. According to Skleparis (2017), in the years 2015-2017, although the Syriza-led coalition tried to adopt a more refugee-friendly stance compared to the previous restrictive policies, 'the long-promised policy shift was rather designed to fail as it was largely symbolic and paid no consideration to the broader context and changing policy dynamics' (p. 1). Nonetheless, little attention has been paid to the period after 2019. The main reasons that influenced this decline are related to the changes in policies as a result of the change of governmental power after the 2019 elections.

One of the first actions the newly established government of Nea Dimokratia (ND) proceeded to, was the abolishment of the Ministry of Migration Policy by merging it with the Ministry of Citizen

Protection, under PD 81/2019. The securitization discourse occupied most of the political statements. For instance, the Deputy Minister of Citizen Protection underlined that the basis for the merging was that apart from respect to the people and human rights, the country's security has to also be seriously considered (Ministry of Citizen Protection, 2019), whereas the Prime Minister stated in September 2019 that '…based on the analysis of the statistical data on the nationality of those who enter Greece, it is a common belief that hereafter we are dealing with a migration and not a refugee issue' (Government Representative, 2019). With this labeling act, more restrictive securitization measures followed in the years from 2019 onwards. Paradoxically enough six months after the abolition of the previous Ministry, the government decided to establish anew the renamed Ministry of Migration and Asylum (PD 4/2020). Although ND attempted to diminish the refugee issue through labeling and securitization discourse, the reality of refugees seeking protection in Greece eventually confuted them. However, the need to re-establish the ministry did not take place in the name of refugee rights but in a four-pillar action plan: 'border controls, acceleration of asylum procedures, increased returns and closed pre-departure centers' (Government Representative, 2020).

In the aftermath of the establishment of the Ministry of Migration and Asylum, Law 4636/2019 on international protection and other provisions came into force with effect from 1st January 2020. This law led to further deterrence and shrinkage of the fundamental human rights guarantees by introducing a series of measures such as increased maximum detention periods for the rejected asylum seekers as well as impediments to a fair asylum procedure and effective remedy. According to Kafkoutsou and Oikonomou (2020) in some cases this law is not aligned even with the minimum standards, leading to violations of the EU law inside the Greek legal system. The Law 4636/2019 introduced highly accelerated registration and examination procedures only for those who arrived after 2020, emphasizing that any new arrivals that took the risk of undertaking this perilous trip and allocating big amounts of money will be having a very short stay in Greece, especially considering that administrative detention is applied massively, without being an exceptional measure, as provided by the EU law. The latter was also a novelty of the same law along with the amendments that came with Law 4686/2020, which are pervaded with a focus on expanding detention at the biggest possible level, as well as focusing on returns (ibid; 5).

The introduction of new measures based on the deterrence rationale was among the most prominent amendment in new legislation that does not provide safeguards and guarantees but emphasizes a one-way solution; this of the closed-doors policy. However, as François Crépeau (2012), the UN Special Rapporteur on the Human Rights of Migrants said:

'There is no empirical evidence that detention deters irregular migration or discourages persons from seeking asylum. Despite increasingly tough detention policies being introduced over the past 20 years in countries around the world, the number of irregular arrivals has not decreased. This may be due, inter alia, to the fact that migrants possibly see detention as an inevitable part of their journey.'

Generally. the new Ministry of Migration and Asylum attempted a decisive shift in its rhetoric by dedicating to minimizing the refugee issue and give relief the local communities. As the minister stated in December 2022 (Ministry of Migration and Asylum, 2022), 'the refugee issue has been a destabilizing factor in the [North Aegean] islands, however local communities now feel safe'. However, the narrative that refugees are preventing local communities, especially in the North Aegean islands, from relief is a distorted communication of events. Refugees found themselves trapped in the islands due to the EU-Turkey deal and the imposed geographical restriction. Framing them as burden also facilitated the justification of the establishment of the Closed Control Access Centers.

4.4.1 Closed Controlled Access Centers

Another novelty introduced in 2020 by the Ministry of Asylum and Migration was the creation of Closed Controlled Access Centers (CCAC). Starting with establishing the first CCAC in Samos and following with Chios, Lesvos, Kos and Leros, these facilities were praised by European Commission representatives, as an innovatory approach that holds promises for better and more controlled migration management in the EU (Ministry of Asylum and Migration, 2020). In the core of these facilities, lies a pervasive security logic; NATO-like double barbed wire fences, constant surveillance using high-tech equipment and biometrics, and controlled entry and exit only between 8.00 am to 8.00 pm, are some of the newly established procedures in the CCACs, which are funded by the EU Asylum, Migration & Integration Fund.

Many have raised concerns regarding the illegal detention character of the CAACs (Papastergiou; 2021, Close 2022). From a legal perspective, in light of art. 5 of the ECHR, the ECtHR distinguishes between deprivation of liberty and restriction on liberty of movement. According to Close (ibid; 2022), the Court has ruled that "…'mere' restrictions on liberty of movement do not trigger the application of article 5, but are governed by article 2 of the fourth Protocol to the ECHR, which affords a lower level of protection and has not, in any case, been ratified by Greece". In any case, ECtHR highlights that a decision regarding liberty deprivation issues is subject to the particularities of each case, providing for ad hoc judgements. However, in the domestic level, the administrative court of Syros, ruled that the restriction imposed on an Afghan national in CCAC of Samos, equals deprivation of his freedom, demonstrating the arbitrariness of this practice (GRC, 2021).

These prison-like facilities are designed in a way that promotes refugees' social exclusion and further legal existence, as they limit the right to freedom and human dignity. At the same time, this policy is a countermeasure to the national and European integration policies. The CCACs are an addition to the dystopic immobilization imposed on the islands after the geographic restriction. From a broader perspective, the mobility of refugees considering the Schengen Treaty, the Dublin Regulation and the highly selective relocation schemes leave no legal options to the refugees in Greece.

4.4.2 Evros Events in March 2020: Suspension of the Geneva Convention

Amid the outburst of the covid-19, on the 28th of February and after the killing of Turkish soldiers in hostilities in Idlib, Turkey responded by announcing the opening of its border with Greece, in violation of the EU-Turkey joint statement. As a result, many refugees tried to approach the Greek land border of Evros, as well as gathered in many places across the Aegean islands, with the hope that they would manage to reach Greek soil. A few moments later, the Greek Prime Minister announced the closure of the Greek border and the suspension of all asylum applications for one month (Grzinic, 2020). The response of the Greek state to the people attempting to cross the border of Evros was characterized by extreme violence, with the enhanced mobilization of state forces using tear gas and even live ammunition (Karamanidou & Kasparek, 2022). According to Forensic Architecture (Forensic Architecture, 2020a; Forensic Architecture, 2020b), a scientific team that collects data on human rights-related crimes through advanced technological methods and

interviews with witnesses, the two deaths of a Syrian and a Pakistani citizen, that occurred these days at Evros/Meric border emanated from the Greek side, however the Greek state denied these allegations as 'fake news' (ibid; 2020a, ibid; 2020b).

The aggressive practices that took place in Evros, were highly publicized and were presented as a legitimate response to the 'asymmetric threat' or 'hybrid war' of Erdogan's regime against the EU. The President of the EU thanked Greek government "for being our European aspida [shield] in these times" (European Commission, 2020). This act of recognition legitimized a series of illegal practices that prevailed this period; the suspension of the Geneva Convention, the pushbacks, the imprisonment due to illegal entry under urgent legal procedures, and the cooperation of state defense forces with civilians ((HumanRights360, 2020)

The suspension of the Geneva convention has been widely criticized for its illegality, seen however as an isolated event rather than a regularized policy (Markard et al. 2020; UNHCR 2020). It is a very well-aimed example of an exception that concurs with the Copenhagen School's theory on the exceptionality of securitization within a political system. However, the 'border spectacle' in Evros has a big symbolic and pragmatic significance across time (Karamanidou & Kasparek, 2022; 13). Although the suspension of the Geneva convention for one month can be seen as an exceptional measure, illegal though as neither the 1951 Convention nor the EU refugee law provide any legal basis for such a suspension, there is certainty regarding the normalization of pushback practices in Evros, as well as in the sea borders, which will be analyzed below.

Although for some Evros border crisis was seen as an exceptional event, referring mostly to the suspension of the right to submit asylum applications, March 2020 for others signified the intensification of pushback policy by the Greek authorities (Keady-Tabbal & Mann, 2022; Karamanidou & Kasparek, 2022; Koros, 2021; Cortinovis, 2021) that resulted to the degradation of human rights for refugees in the EU.

Dicle Ergin (2022) while critically examining the ECtHR will shed light on the protection gaps arose with the Greek/Turkey border event onwards. Although, states have the sovereign right to manage their borders, this should not in any case led to concluding that the European and international human rights law is assumed as outdated and ineffective (ibid; 227). Special considerations in the current case should be examined very seriously. Firstly, the secret element of refugee detention and the lack in effective exhaustion of all domestic legal remedies in the case of

Greece (ibid). Therefore, as several pushback cases have been addressed to the Court, there should be a careful balance between the protection of these persons and the burden to the state.

In the case of March 2020 border *spectacle*, the focus on circumstantial evidence should prevail as the overall evidence that was downplayed that period was under the control of the state, and also the secret detention and exercise of violence could not be documented in most of the case (ibid). The latter is highlighted considering two recent cases judged by ECtHR regarding the mass illegal entries of refugees to Europe; N.D and N.T. v. Spain and M.K. and others v. Poland. In both cases, the Court appeared to adopt a conservative against protection stance, by introducing that the individuals should have used the official border procedures and checkpoints (for instance, in the case of Spain, the embassy), assuming the full-fledged operation of these border procedures. Undoubtedly, these two judgements can be seen as a worrying securitizing trend that shift the burden of pushbacks to the refugees, leaving the state unaccountable in the event of pushbacks.

4.5 Securitization and Non-refoulement

The issues pertaining to the execution of pushbacks in Greece are so rife that render its analysis a challenging task. Its complexity lies in the regularization and intensification of the illegal practices that accompany it, the involvement of multiple actors, but also the systematic denial of the respective authorities to take responsibility even when there is loud evidence of pushback cases by non-governmental actors, journalists or individuals who have witnessed it.

Illegal pushbacks might violate, depending on the case, several different provisions such as the right to life, the right to asylum, the prohibition of torture and inhuman and degrading treatment, the right to liberty and security, the prohibition of discrimination the right to an effective legal remedy, the duty to rescue at sea. But first and foremost, they violate the principle of non-refoulement, the de facto duty of every state to admit third country nationals at least until the examination of their asylum application and protect them from facing persecution either in their country of origin or any other country, where they could face chain refoulement. This customary law is a peremptory norm, allowing no room for discretion, and is included in various human rights instruments.

Certainly, pushbacks did not appear out of thin air but rather constitute a practice that has been favored by Greece in the past years as an integral part of its migratory policy in the borders. A

significant decision by the ECtHR in 2022 on the case Safi and Others v. Greece, found that Greece violated art. 2 and 3 ECHR. On 20 January 2014, a fishing boat with twenty-seven foreign nationals sank after a Greek coastguard vessel tried to push them back towards Turkish shore, which resulted to the drowning of eleven people. Although this took place before 2015 massive refugee displacement, it demonstrates that pushbacks are a well-known practice.

4.5.1 The practice of pushbacks in Greece

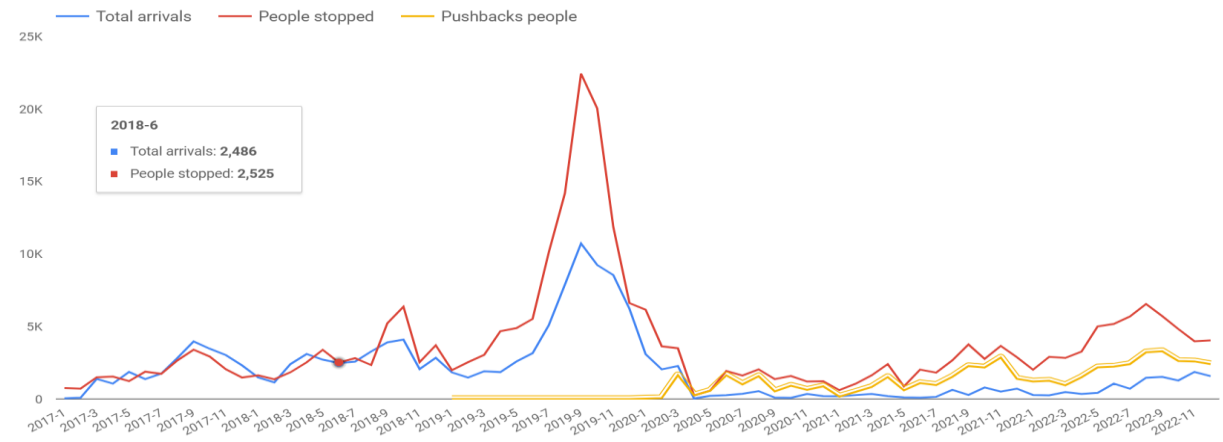
Although illegal pushbacks have been practiced since long time ago, they became 'routinized and standardized' during the 2015-2019 Syriza/ANEL government (Koros, 2021; 241; GCR, 2018) and especially upon the EU Turkey joint statement came into force, as an official frontline response to prevent arrivals from sea and land borders. Notwithstanding the previous government dealt with the accusation through avoidance and unwillingness to proceed with any investigation, the N.D. government adopted the exorbitant stance of rendering blatantly pushbacks a central instrument of their official migration agenda, by blaming Turkey for their entry and presenting the action of the Greek authorities as simple deterrence of entry (Koros, 2021). As mentioned before, the normalization of illegal refoulement became highly conspicuous after the March 2020 border tension.

The performance of pushbacks by the Greek State entail the following characteristics; they are standardized and represent a governmental frontline instrument for migration management, they are expanded from Evros across the years to the Aegean islands, during the procedure there is use of violence, if not excessive violence and in many occasions arbitrary detention is imposed, whereas it's undisputable that they violate the Greek penal Code and international human rights obligations (Drakopoulou et al. 2020: 177–8, 181–2). Notably, the last years there is a conscious governmental narrative that steadily denies the existence of the illegal refoulement, while eventually the state attempts in any possible way to downplay the 'discordant voices' who try to report the issue publicly (ibid). I will add here the cooperation between FRONTEX and the Greek police and coastguard, with the silent abetting of the EU despite the overwhelming accusations.

From 2017 to 2022, almost 52.000 people are assumed to be pushed-back according to the Aegean Boat Report (2022; see table 1), on people pushed-back on their effort to enter Greece in the Aegean islands. The intensification of pushbacks especially after the March 2020 event in Evros

border, is highly reported by the civil organizations (Cortivonis, 2021; Oxfam, 2020; Commissioner for Human Rights, 2021; Keady-Tabbal & Mann, 2022). The intensity of the pushbacks has been raised to such extend that the smuggling networks organize trips sailing off from Turkey or Lebanon through Greece with final destination south Italy, the so called Calabria-route (DW, 2021). In other words, it has become preferable to override the whole the Greek part of Mediterranean Sea with makeshift boats and under unknown weather conditions, in order to reach Italy. This has resulted in lethal shipwrecks and missing people many times in bizarre places such as the islands of Cyclades or Crete (Pagoudis, 2022)

Table 1: Total arrivals, people stopped and people pushed-back in the Aegean islands (last update: December 28, 2022)



According to Gammeltoft-Hansen and Hathaway (2015), cooperative deterrence with the prevalence of newly established non-entrée measures that have outweighed the traditional ones, describe the 'schizophrenic' stance (Hathaway, 1992) of the wealthier states in order to get away with the responsibilities stemming from the international law and respective treaties. However, if we perceive EU as a body acting within cooperative deterrence by signing treaties with third countries, then we should also consider the role of Greece and especially its regularized illegal policy of pushback as a biopolitical form of power. I support here that the normalization of pushbacks as a solid anti-migration tool of governmental biopolitical power, as well as its enrichment including intensification in means and ideas to perform them deviates from the Agambedian state of exception. At the opposite, it appears as an unofficial practice due to its secrecy, but highly bureaucratic practice that is expressed through a realpolitik of racism and

generalized deterrence. Koros (2021) suggests that a discussion on race as a parameter of the exercise of pushbacks is sidelined. Therefore, illegal pushbacks are engrained in a racist state crime logic, where the violence is expressed in a concealed, slow-paced way that spans in time and space (ibid) caused by structural violence and systematic disadvantages that are mainstreamed in racial terms (Ward 2015).

Another unprecedented response which put refugees' lives at stake multiple times is noted when Greece denies its own sovereignty, especially to the so-called grey border areas like islets, when it comes to the state's duty to conduct search-and-rescue operations in the borders. The absurdity of this highly securitized rhetoric of expressed 'denationalization' in the case of Greece reflects the core of the anti-refugee sentiment and practice, especially given the long-standing conflict between Turkey in Greece pertaining to issues of territorial sovereignty.

An important consideration here is that the Hellenic coast guard is the national body in charge of save-and rescue operations when people find themselves in distress situations. Despite its crucial service of saving lives at sea, there is a growing number of accusations regarding the performance of pushbacks which are usually dismissed by the government as 'fake news' (ECRE, 2023).Undoubtedly, the accusations deriving from the civil society actors, activists and media outlets regarding the omissions in SAR procedures as well as in the authorities' implicit role in committing pushbacks at sea, should be taken seriously into consideration. Therefore, with a view to establishing solid accountability mechanisms and to avoid a status of impunity, these accusations should be examined in proportion to their severity, especially when lives are at stake.

4.5.2 The role of FRONTEX

In this bureaucratized pushback mechanism, Frontex appears to be playing an active role. The agency has come under strong scrutiny after allegations about its operations in the Aegean islands and Evros border, which led eventually to the resignation of its Executive Director in April 2022, upon European Anti-Fraud Office (OLAF) reports pertaining to the agency's involvement in non-refoulements in collaboration with Greek authorities (Christides & Lüdke, 2022a). Certainly, Frontex is bound by several human rights obligations that should permeate all of its actions in the borders, and reports on human rights breaches are classified as highly important information that should be addressed to the agency's Fundamental Rights Officer (FRO) (Karamanidou &

Kasparek, 2022). However, the latter has proven to be untruthful, as many flaws and inconsistencies derived from the agency's complicity in pushbacks has come to public attention.

Among OLAF's finding on FRONTEX, upon launching of the investigation with offense accusations of serious misconduct, one can find that FRONTEX's management repeatedly concealed information on possible human rights violations from the FRO, withdrew their aerial surveillance in the Aegean to stop recording violations in the sea and contributed financially to some of the Greek units that performed pushbacks (OLAF, 2021; Christides & Lüdke, 2022b). The findings of this investigation finally held the agency accountable for serious offenses that were emphatically refuted previously by its resigned Executive Director. However, it is imperative to syllogize the legal and political turmoil that has affected the core of refugee law and relevant human rights.

This 'paradigm of preventive' (in)justice at the EU's external border (Mitsilegas, 2022) rendered the Greek borders a 'lawless zone' or 'legal black hole' (Mann, 2018), where the EU decentralized agency along with the national authorities evolved their illegal practices. The need for the EU to seriously reconsider and aim to restore the rule of law, by providing efficient protection and not framing refugees as undesirable destabilizers of the MSs is urgent. The pushbacks that were accompanied by several other forms of violence and brought FRONTEX under scrutiny, took place in Greek territory. Therefore, the Greek state must conform with domestic and international law and ensure the creation of a transparent independent committee in charge of the protection of human rights for refugees.

4.6 Criminalization of solidarity movements: SAR operations and civil society

Solidarity initiatives in Greece constitute an established practice among Greek society aiming at providing various social-related services like food, housing, medical care, for instance (Papataxiarchis, 2016, Rozakou 2016). Since 2015 various solidarity groups such as civil society actors, volunteers or other political groups, both from Greece and from abroad, have gathered to fill in the gaps in reception, accommodation and other sectors especially in the Aegean islands but also in the big city centers where many refugees live. In many cases, solidarity movements and

civil organizations such as NGOs have been targeted by the state through judicial, bureaucratic procedures or defamation in order to eliminate their activity (Schack & Witcher, 2020).

For Schack, in the EU level, the criminalization of this support stems from the European Council Facilitation Directive (2002/90/EC), which aim was to combat human smuggling, however its controversial legal formulation in fact facilitated the targeting of the civil society organizations. Its unclear legal wording and subsequent interpretations led to a generally accepted association between the civil society groups and human trafficking. However, this is not to claim a causal relation. This provision was mostly operated as a legislative tool used to allow the agencies' public scapegoating, accusations and persecution (Schack & Witcher, 2020).

As said earlier, in the beginning of 2015 many NGOs, voluntary groups and locals facilitated the welcoming and reception of migrants and were praised by the government at the time for their significant contribution. However, both governments changed their stances after 2016. Three abandoned buildings that were squatted even before 2015 in Thessaloniki as well as the City Plaza squat in Athens among others, served as spaces of free accommodation in the context of anti-hierarchical and politicized help toward refugees (Schack & Witcher, 2020). All too soon, they were attacked either verbally or by police forces and eventually evacuated or evicted. Namely, City Plaza, although having been targeted already by SYRIZA/Anel government, eventually closed on its own volition in July 2019, a few days after the election of ND government, fearing enforced eviction.

SAR operations at sea as well as similar assistance in borders have been put under great scrutiny since 2016, especially when FRONTEX and EU Justice and Home affairs agencies started reporting the activities of civil society actors that acted in the Aegean and the Mediterranean Sea (Allsopp et al, 2020; Carrera et al, 2018). As the latter describe (ibid), the policing of humanitarianism entail modalities that escalate from suspicion, intimidation and harassment to disciplining and official criminalization. After the '2015 crisis' in Greece, the SAR NGOs operate under the premise of saving people in distress as the state protection mechanisms did not suffice or even in some cases demonstrated unwillingness to do so. This raises questions regarding the motive of states to criminalize solidarity actions, which do actually assist the existing gaps of refugee reception and protection.

In many cases volunteer organizations and non-profits were charged with felonies such as espionage, association with a criminal organization, assisting human-smuggling networks, fraud and financial gain (Conte and Binder, 2019; Dadusc & Mudu; 2022). Given the pressures exercised by the EU with regard to the duty of Greece to act as the gatekeeper of the EU, it turns out that Greece proceeded with criminalizing collective actors' interference with any kind of SAR activity in the borders, as this should be controlled by the state. Most significantly, the consequences of creating the conditions where lives at sea are at stake, has led to the prevalence of securing borders and sovereignty over refugee lives.

Amnesty International (2019) has stated: 'In Greece, you can go to jail for trying to save a life. It happened to Seán Binder, 25, and Sarah Mardini, 24, when they helped to spot refugee boats in distress. They could face up to 25 years in prison'. Binder and Mardini were detained for hundred days in Greece, facing charges of people smuggling, espionage and membership of criminal organization in 2018 (Smith, 2018). In January 2023, the Greek court decided that the indictment for misdemeanor charges was ill-ridden and thus these charges were dropped, however, the 24 defendants involved in this case are still waiting for the verdict regarding the remaining felony charges.

The criminalization of boat-spotting and SAR activities has emphasized the prominence of a new space in the Greek borders. The Aegean Sea, the crucial space representing the EU's external border has been filled with contention, as the physical presence of solidarity groups and NGO's signifies the presence of witnesses. The practice of 'hostile hospitality' in Derrida's terms meets the obstacles of those people who interfere with national choices on border management at the expense refugee lives (Schack & Witcher, 2020). Therefore, the referent object now becomes the SAR groups who assist the border-crossers. Criminalization as an analytical concept differs from securitization. However, in the current context, it is visible that criminalizing solidarity movements becomes a means towards achieving the elimination of border crossings by the perceived security threats, in Copenhagen school's terms on securitization.

In April 2020, a new Joint Ministerial Decision 3063/2020A introduced that all national and international NGOs operating within 'international protection, immigration and social inclusion should be registered in a 'transparency registry' as soon as they fulfill all some demanding eligibility criteria. Among others, the provisions entail strict deadlines for registration, the risk of

removal from the registry in case of not specified 'illegal acts', excessive requirements for registration and certification that are difficult to be met. This law raises concerns about the independence of the civil society within a democratic system for various reasons. Generally, the decree is not aligned the EU legislation, as it introduces strict measures that circumscribe the right to freedom of association, freedom of service-provision and the right to effective remedy (ECRE, 2021). Its legal certainty is limited as well because the rights and obligations that can lead to negative consequences, such as the removal of the registry, are not communicated clearly. Most importantly, it is not justified whether special laws should be applied for the civil society movements.

Certainly, the shrinkage of civil society organizations' freedom with regard to any kind of assistance toward refugees follows the generalized pattern of national agenda, aiming at eliminating any action that would interfere with the state authority. My argument here is that the law should be applied in uniformity and not be tailored according to the government's interests as this is fundamental breech to the rule of law and eliminated advocacy efforts for states accountability and transparency. The criminalization of assistance is better conceived within the concept of lawfare, as law have been instrumentalized 'intended for international criminal organizations that are earning money from trafficking, smuggling, prostitution and slavery to prosecute humanitarian workers and volunteers who are just trying to save lives' (Open Democracy, 2019). Besides, it becomes clear that the joint ministerial decision on the creation of a ring-fenced environment for the civil society has been one of the most disconcerting aspects of refugee policies in Greece.

5. Discussion and Conclusion

The outcomes of the current research have provided insights into the main research question: *'Has migration in Greece, as an integral member-state of the EU with regard to refugee management, has been securitized, since 2015 onwards'* and the sub-question: '*What means were activated for the application of securitization policies*'. The theory of securitization was my theoretical gear based on the schools of Copenhagen and Paris. As Bourgeau (2014), regarding the *logique* of exception of the school of Copenhagen and the *logique* of routine in the School of Paris's thought, explains that the two are not necessarily contradictory, but rather provide a more comprehensive

picture on how to approach the plurality of securitization patterns that are preferred by the states. This approach is highly visible in the Greek and EU responses to the 2015 'crisis'. To answer the research questions, I firstly analyzed the most relevant EU legislation and political stances of its main bodies as well as ad hoc solutions that were promoted with a view to managing the refugee issue. As this research is a case study of Greece, I employed an analysis that focused on main responses in the asylum and reception of the Greek state, by showing their evolution in the direction of migration-security nexus over time.

Undoubtedly, the primary responses to the refugee waves were defined by an 'emergency' and 'crisis' rhetoric that was highly propagated in order to justify security responses. The efforts to safeguard the Schengen Treaty and Dublin Regulation, as the EU's security arsenal, not only lead to rigid and inflexible responses that protect the Union's interests but also confirm the anti-refugee sentiment and the framing of refugees as security threats to the EU integrity. As Nyberg-Sorensen (2012; 67) said 'A severe limitation of the migration–security nexus is that it focuses primarily on the security of the West at the expense of the rest'.

With regards to the tailor-made responses to the 2015 refugee arrivals, the EU-Turkey deal, which aimed at the retrenchment of the EU by externalizing the asylum duties to a non-EU country, converted the refugee phenomenon into a politicized issue. Besides, given that the product of this political partnership led to declared statement reaffirms that it cannot be monitored on a legal basis (Christopoulos, 2020). The breaches to the rule of law and human rights promoted by the EU limited further the refugee mobility; both the EU-Turkey deal and the hotspot approach were designed in a way that signified a denial of refugee movement in order to control it and prevent potential security-related outcomes. Although the relocation scheme was deemed to provide a positive solution to the migration management, the unwillingness of many MSs to commit to their pledges posed questions to the much desired but hardly applied EU burden-sharing.

With regards to Greece the primary responses as first country of entry were characterized by the lack of a solid strategy and in many cases the application of the policy of having no policy, or being reactive instead of proactive. Greece's plan for the reception of refugees was based in the creation of unofficial and official setting up of camps. The undignified conditions with overcrowded spaces and significant lacks in infrastructure and social services left a very negative mark in the human rights domain. The geographical restriction imposed by the asylum authorities

after the EU-Turkey deal increased the concerns of associating migration with security, as refugees should stay trapped in the borders until the decision on admissibility. Moreover, Greek state's decision to change the composition of the Appeals committee by shifting majority in the state in order to facilitate the enforcement of the EU-Turkey deal reveals a visible intention of *lawfare* that shrinks the standard effective remedies.

However, governmental efforts after 2019 indicated a harsher trajectory towards the framing of refugees as potential threats. The extremely brief abolition of the Ministry of Migration Policy stood as a powerful message to the Greek audience that signified a denial in absolute terms of the existence of refugees. After this short-lived decision, and the reestablishment of a relevant Ministry, the policies and narrative that followed were engaged to a highly securitized and deterrent rhetoric and practice. Maximum detention that was criticized as having no legal basis demonstrated a biopolitical control over refugee lives and made clear that new arrivals in Greece would be treated in the strictest possible way. So did the policy of the CCACs. The latter constitute the furtherance of social exclusion and restriction of movement for all border crossers in the Aegean islands where every aspect of live became finally regulated by the state, with simultaneous governmental pledges that the local communities will be finally living in safety. However, the overcrowding of the Reception and Identification Centers in the islands was nothing less than a political choice of controlling refugee movement and being in preparedness to return the rejected applicants in Turkey.

Indubitably, one of the most crucial contributions of this thesis is the salience of the pushback practices that existed long ago but took different characteristics in the course of the years after 2015. Especially after the 2020 border crisis in Evros, illegal refoulement became a frontline policy. The prevailing contradictions between extreme secrecy and normalization, articulate illegality and cooperation with FRONTEX, an EU agency, renders the issue as one of the most dystopian aspects of securitization. Furthemore, the criminalization of solidarity, SAR operations and NGOs, was a step towards an all-powerful response to all those who provide politicized help to refugees and implicated further the concerns about the rule of law and human rights in Greece through lawfare.

5.1 Limitations and Suggestions for further research

This thesis provided new knowledge on the studied topic, however there are aspects that went beyond its scope or left out. First, the research's approach was deductive, and thus examined the responses of Greece and the EU to the refugee phenomenon based on the premises of the theory of the two most prominent schools on securitization. An inductive approach would have provided different insights, moving from specific observations on the topic to generalized outcomes.

The current thesis focused mostly on the reception and asylum policies that were enacted in Greece and the EU. It did not touch upon the integration of recognized refugees or the returns and readmissions for the rejected ones. It would be interesting to analyze these two aspects of the refugee life circle separately through the lens of securitization, and enrich the theory with the implications that prevail.

Furthermore, a necessary consideration when analyzing securitization is the discussion about desecuritization and its challenges in the case of Greece. The overwhelming trend of the migration-security nexus has penetrated all academic discourses, however it is useful to turn our shift towards potential desecuritization patterns as an alternative to security-related discourse. Greece and the EU have to amend their policies and shift the gaze towards desecuritizing the refugee issue through policies that are in accordance with human rights.

Finally, at the time of writing another war takes place in European soil which has resulted to high numbers of refugees from Ukraine. A comparative analysis of the responses of the EU and its MSs toward refugees that came from the Middle East and/or Africa and the ones that were displaced upon the Russian invasion in Ukraine, would reveal interesting aspects of political and legal responses as well as the way of framing.

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