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From Crisis to Cooperation: A way forward for EU Asylum Policy

A Critical Analysis of the Dublin III Regulation and AMMR

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Abstract

This thesis is about European integration, reflected in the problem representations made by the European Union concerning asylum from the Dublin III Regulation (2013) and the Asylum and Migration Management Regulation (2020). To uncover the problem representation, Carol Bacchi's 'What is the Problem represented to be' has been adopted as the primary method, followed by a descriptive/comparative analysis. By highlighting the problem representations and changes made in asylum policy, the research aims to understand what important 'truths' and assumptions are made by the European Union. The research will adopt a poststructuralist theoretical framework, in line with Bacchi's analytical framework. It will uncover the power structures presented by the European Union in their ability to create 'problems' in policy, and what gives them validity. The analysis reveals how the European Union identifies 'problems' with asylum and how these developed between the two Regulations in light of various political and historical factors. The overall findings reveal that the European Union included solidarity, fewer human rights provisions, and changed the obligations for asylum applicants upon proposing the Asylum and Migration Management Regulation. Ultimately the thesis concludes that the separate interests of the Member States' have more significant influence over how the EU has to operate.

Keywords:

Problem representations, EU, Asylum, Dublin III Regulation, Asylum & Migration Management Plan, WPR

Word Count: 9998

List of Abbreviations

AMMR - Asylum and Migration Management Plan

CEAS - Common European Asylum System

DI - Differential Integration

EU - European Union

TFEU - Treaty on the Functioning of the EU

RQ - Research Question

UASC - Unaccompanied Asylum Seeking Children

WPR - 'What is the Problem Represented to be'

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1. Introduction

The European Union (EU) is currently in a crisis fueled by Member States' unwillingness to move towards a closer union and follow policies to the same extent. On an individual state level, this is perpetuated by a sense of self interest from governments (Stevenson et al. 2017). This lack of consensus departs from the original idea at the basis of the Union, which had unanimity at its core, as an institutionalized approach for preventing war according to the European Union (2024). This thesis ties into development studies because of the various levels of integration EU Member States are found at in relation to their capabilities and development trajectories over time. In present day Europe, the topic of asylum is a strong example of the break in uniformity across policy implementation. This is primarily related to the Amsterdam Treaty (1999), which abolished the unanimity criteria for passing agreements, thus allowing Member States to integrate at their own will (Inoue 2011). Other key mechanisms are the opt in and opt outs in policy that certain states utilize, allowing them non-participation in asylum regulations. These together have sowed a field where Differential Integration (DI) can grow. Bellamy and Kröger (2017) define DI "as EU Member States having different rights and obligations in regard to specific EU policies, as some member states agree to cooperate on a specific policy or conform to a given standard, whilst others either opt out or adopt different standards" (p. 625-626). There is also the reality of Member States' individual agendas which add further complexity to finding a common framework in the presence of DI. This makes asylum policy inherently complicated and reliant on negotiations and inter-state solidarity (Di Nunzio 2023; Silga 2022). By 'solidarity', we refer to the mechanism to share responsibilities and burdens between Member States (Chebel d'Appollonia 2019).

Considering these solidarity issues in the EU, the Dublin III Regulation, a part of the Common European Asylum System (CEAS), is the most prominent and important asylum regulation in the EU (Chebel d'Appollonia 2019; Scipioni 2018; Silga 2022). The Dublin III Regulation remains the overarching agreement, yet leaves the authority of granting asylum on the Member State level. Subsequently, national interests clash with the EU's overarching interests, opening up for disparity in how and where authority over asylum applications are exercised within the EU (Chebel d'Appollonia 2019).

The critical feature of the Dublin III Regulation is the mechanism for determining which Member State is responsible for processing an asylum application, and applicant. The Regulation clearly formulates that it is the first Member State of arrival where the applicant is responsible for lodging their application, and that they shall remain in this Member State during the process (Chebel d'Appollonia 2019; Davis 2020; Scipioni 2018; Vara 2023). This was put in place as a response to “migration shopping”, a phenomenon in which applicants lodge several applications in several Member States. This made the application processing slow and ineffective, and kept applicants moving in “orbit” within the EU (Davis 2020). However, as the 2015 migration crisis unfolded, when an estimated 1.5 million migrants arrived in 2015 alone, a geographical error occurred through the Dublin III Regulation where Member States that were closest to the migration routes became overburdened, and with a lack of capacity to fulfill the terms set out by the Dublin III Regulation, (Davis 2020; Scipioni 2018). It became evident that the Regulation failed, and that reform is needed.

Currently, the Dublin III Regulation is in the process of being replaced by the Asylum and Migration Management Regulation (AMMR) as part of the New Pact on Migration and Asylum (New Pact) that pertains to the same mechanisms set in place by the Dublin system (Communication 2020, section 2.2 p. 5). This research aims at understanding what problem representations drove these changes. By ‘problem representations’ we mean; the ‘problem’ that is presented within policies and can be interpreted to create an understanding of the issue a policy is aiming to address (Bacchi & Goodwin 2016, p. 13). These can also be understood as the way in which problems are produced and later, represented (ibid). By contextualizing and critiquing these ‘problem representations’ in policy, insights are gained into the underlying motivations and priorities driving the shift in policy direction. This can be done through an interpretative approach on the problem formulation around asylum and in the EU migration field. The thesis explores how the EU constructs the problem of asylum and asylum applications. The guiding research questions (RQs) are as follows:

1. *How did the EU frame the ‘problem’ of asylum within the Dublin III Regulation and the new Asylum and Migration Management Regulation?*
2. *How did the problem representations change?*

To address the RQs, we will use Carol Bacchi's 'What is the Problem Represented to be' (WPR). She presents the analytical framework as a means to critically examine policy produced and how governing takes place (Bacchi 2009, p. VIII). By adopting this analytical approach, we are aiming to contribute to the larger discussion around how the EU constructs 'problems' around asylum and asylum applications. This contribution is justifiable because addressing problem representations and policy direction changes within asylum is particularly relevant at this point in time as the New Pact is in the process of being adopted (Communication 2020, Section, 2.2 p. 5; Davis 2020; Kuzelewska & Piekutowska 2021; Mitchell 2017). Analyzing how the EU problematizes asylum has a direct top-down effect on the millions of refugees and asylum seekers that have- and continue to arrive on EU territory (Mitchell, 2017), therefore making EU problematizations of asylum policy highly consequential. This thesis ties into development studies because of the various levels of integration EU Member States are found at in relation to their capabilities and development trajectories over time. Through this research we are aiming to provide a new analytical angle to a larger intra-European issue that needs more attention, while critically interpreting EU asylum policies and their perceived problems by the EU. In addition to this, we aim to explain the significance of how the EU interprets problems, solutions, and describe how they changed over time from the Dublin system to the AMMR.

1.1 Delimitations & Scope

Since the EU is the responsible supranational, political, and economic union, they create and implement asylum policy across its Member States. As an entity they provide legal frameworks and logistical support to the Member States, establishing themselves as an overhead in the process. Through the analyses conducted in this thesis; changes in direction will be identified through their problem representations. This thesis is limited to applying WPR as a policy document analysis on our case studies in line with the aim of discovering such problem representations. This is further developed in the Methods and Data sections. The EU problem representations exist within the lines of EU policy, creating a structure where Member States follow the EU's regulations. However, it is also these power relations that enable Member States to potentially push their own agendas into EU policies, as they then will be more likely to follow regulations. It is this relation that will appear evident in looking at the problem representations, and the changes in direction of asylum policy.

This thesis highlights the produced ‘truths’ and the discursive realities of asylum policies through identifying the problem representations. This goes beyond the policy content and application and looks at the changes in direction of the EU’s understanding of problems related to asylum. The research strictly analyzes problem representations made by the EU, and further limits that scope to the two most recent documents on asylum application.

The thesis is organized as follows. First, we present a short contextual background before introducing a literature review on key academic debates within the field of migration in Europe. Then entering the methodology section, we present the research design alongside the data selection and the data analysis approach. The results will then be presented from both an interpretive and descriptive comparative perspective. The thesis will be concluded with a discussion section, reviewing how the findings are applicable to the research field.

2. Contextual background

The Dublin III Regulation grew out of the preceding two Dublin Regulations, and responds to previous asylum policy problem representations realized by the EU and its Member States. In the wake of the 2015 migration crisis, shortcomings of the Dublin III Regulation became increasingly apparent. The European Commission (2024) states that the process of drafting a new policy proposition took from late 2020, and reached the first rounds of approval in 2024. The acknowledgements of the rights to asylum are found in the international obligations laid out in the Geneva Convention of 1951, and promptly included as a guide for the Dublin III Regulation, as well as the AMMR (Dublin III Regulation, Article 3(a); AMMR, Recital 33). The underlying causes that gave way for the original Dublin system was the refugee inflow to the EU, mainly fueled by push-factors such as political instability, lack of respect for human rights, conflicts, and lack of democracy (Commission 2008, Section 2.1.1, p. 6). Special attention shall however be given to the problem representation of migration shopping, as it prompted a response entailing the closely regulated asylum application procedure, and the specific rule of application in the first Member State of arrival (Commission 2008).

Because of this specific rule for the asylum application process, in the wake of the 2015 migration crises, some Member States quickly became over burdened, with asylum application increases of 86% in the first quarter of 2015 compared to the same period in the year previous

(Mitchell 2017; Scipioni 2018). As for the applicants, the processing time became drawn out, some experienced human rights violations, illegal returns directly upon arrival, and an increase in accounts of human trafficking and other horrific accidents (Davis 2020; Spindler 2015). This means that the Dublin III Regulation now lacks the structure to meet these current ‘problems’ identified in the application process.

Looking at the responses to these contemporary problems around asylum in the AMMR and adhering Communications is the rising notion of solidarity, or in more recent literature, *flexible solidarity*. This is a concept which is based on accommodating the different interests of the Member States while remaining under the same directive (Chebel d’Appolonia 2019). As the Union has grown in both geographical and political scope, there has been a rise in the variety of interests and aims in a number of areas of concern, one such being migration and asylum.

In line with the rising multilayered system, and flexibility, there has been an increase in what scholars have called *chaos* (Silga 2022; Vara 2023). Although it is evident that uniform implementation of policy within the EU requires a new approach, the proposed measures of flexible solidarity and the process of DI are still being researched. Various scholars produce differing opinions on the practicality and applicability of DI (Leruth & Lord 2015). While situated in this broader academic debate, our thesis is not aimed at determining whether or not DI holds a promising future for the survival of the EU; rather it seeks to acknowledge its current role within EU asylum policies.

3. Literature Review

3.1 Changes in Migration Policy

In the literature read on the changes in migration policy over time, most authors are critical towards the Dublin III Regulation in some regard (Davis 2020; Kuzelewska & Piekutowska 2021; Mitchell 2017; Velez & Krapivnitskaya 2020). The majority of relevant research focuses on the changes from the Dublin III Regulation framework, to the AMMR. The reviewed literature does not address the changes in problem representations from the first document to the second; however, they still add relevant findings and contextual significance to the topic.

First referencing the 2015 migration crisis, the literature aims to explain the need for the EU to shift away from the Dublin system (Davis 2020; Kuzelewska & Piekutowska 2021; Velez & Krapivnitskaya 2020). For instance, Davis (2020) identifies and justifies the EU's need for a change in policy due to the high influx of migrants, in which Southern European countries needed to resettle over 120.000 migrants in the span of 2 years. Already in mid-2016, the EU launched several new legislative attempts to alter or replace the Dublin III Regulation (Boroi 2018). To conduct academic research on the progression of policy, most of the articles presented in this section adopt a form of historical analysis; identifying key junctures and evaluating them in a historical context of how certain countries reacted to the historical events. In the case of Mitchell (2017), the author used country specific case studies to conduct the analysis, and draw conclusions on the effectiveness of the Dublin III Regulation on preserving fundamental rights of the EU.

Unique to the other research done on how migration policy changed in light of the 2015 migration crisis, Velez & Krapivnitskaya (2020) view migration as securitization and investigates to what extent the discourse around asylum has changed over time. To do this, a selection of EU parliamentary debates on migration from before and after the crisis were used as material of analysis (ibid). Conclusions were, similar to the other authors; that the question of asylum applicants in the EU has become one of the most important issues in the European Agenda (ibid). Reslow (2017) continues to make significant contributions concerning the importance of migration as an issue and how until all EU countries can agree, no policy can truly be accepted and given the potential to be successful. It has been widely accepted since the beginning of cohesive EU migration policy that a supranational set of policy is more effective than intergovernmental cooperation in the EU (Tsourdi & Bruycker 2022, p. 2-3). The overarching conclusion that these authors find is that there needs to be new avenues throughout the EU to ensure its cohesion and solidarity in the future. Research on those solutions will be presented in the next section.

3.2 Solidarity, Differential Integration, and its Presence in the EU

To show how DI has been understood within the academic field, authors present it as a field of study, a concept, a theory, a process, and as a system (Leruth & Lord 2015). DI is acknowledged to be complicated and multifaceted as its presence over the past two decades in

EU policy continues to grow in both scope and depth (ibid). The chosen authors all give an account on DI and the development of EU migration and asylum policy (Chebel d'Appolonia 2019; Di Nunzio 2023; Leruth & Lord 2015; Silga 2022; Vara 2023). Several of them covered in this review have used the Area of Freedom, Security and Justice (AFSJ) and Common European Asylum System (CEAS) as means of analysis to discover the nature of DI in EU policies on migration and asylum (Chebel d'Appolonia 2019; Di Nunzio 2023; Leruth & Lord 2015; Silga 2022; Vara 2023). One author presents historical contingencies of the complex nature of asylum policy, and the inevitability of differentiation within the EU as their analysis (Silga 2022). Combined, all of these create conditions for chaotic differentiation (ibid). Similarly, another account posits how DI is a symptom of the chaotic flexibility and unwillingness of inter-state cooperation, in their article which traces the origins of DI through different scopes, level of centralization and involvement of non-member states (Chebel d'Appolonia 2019). This chaos is found to be increasingly normalized in EU policy (Chebel d'Appolonia 2019; Leruth & Lord 2015). Vara (2023) also gives an account of how the multilayered system is becoming more chaotic, which unveils the fractures in the values of Member States. Similarly, Silga (2022) makes use of contemporary cases to prove where the Union is experiencing fractured values and a lack of existing solidarity. A common feature of EU policy is the uneven application across Member States, therefore the Commission is proposing flexible solidarity in the New Pact, in line with DI (Vara 2023).

Two of the authors look at the development of the CEAS through key documents as their methodology (Di Nunzio 2023; Vara 2023). Di Nunzio (2023) problematizes the lack of solidarity which they argue is needed for future migration management. Again, it is mentioned in the analysis that the EU is lacking consensus between its Member States on the question of asylum, and that the paradigm shift towards solidarity is presented as imperative to overcome the fragmentation (ibid). Differently from other authors, Di Nunzio (2023) ties in the CEAS with the Treaty on the Functioning of the EU (TFEU) which is derived from the Charter for Human Rights, bringing the evolution of the CEAS into a Human Rights lens. In contrast, the other aims to look at how solidarity in the CEAS will potentially break the deadlock of migration policy (Vara 2023). They also find that DI has evolved over time and has become a structural part of the EU due to the nature of accommodating Member States' separate interests to various degrees, presenting DI as a process, in line with earlier listed understandings (Leruth & Lord 2015; Vara

2023). They find that this is particularly true in the AFSJ (Vara 2023). Presented by Leruth and Lord (2015), DI has had different outcomes, such as increased integration and differentiation in overarching commitments. Similarly to the authors already mentioned, they also use documents on the functioning of the EU to point out the dormant presence of DI since the early days of EU policy (ibid).

DI is discussed as a necessary compromise between Member States to promote further integration of policies (Chebel d'Appolonia 2019; Silga 2022). The evolution of the CEAS and the recent stalling of it proves how solving the issue of solidarity within EU migration and asylum policies is pivotal for migration management and stresses the importance to study DI as a permanent feature of the EU (Di Nunzio 2023; Leruth & Lord 2015; Vara 2023). Given these conclusions drawn from the presented research, the presence of DI and solidarity are imperative in creating and maintaining an asylum system within the EU, thus demanding that DI be mentioned and utilized in our thesis work.

3.3 WPR on European Policy

In this subsection of the literature review, we look at the research done using WPR on migration policies, or publications within Europe. These documents are not all presented at an EU legislative level, however, the found research still meets our delimitations. After an extensive search on Lubsearch, Google Scholar, and Elicit, only three relevant, peer reviewed, journal published articles were found.

Both of the articles by Johansson & Elander (2022), and Wikström & Sténs (2019) concern migration problem representations in Sweden. Johansson & Elander (2022) research overarching migration policies in Sweden to 'problematize' the presence of migrants between 2015-2022. They conduct a poststructuralist power analysis to emphasize the importance of interpretation for highlighting and understanding the identified problem representations. They concluded a strong difference in problem representations based on the groups of migrants coming in. This was seen at its strongest when it came to discourses around the Syrian and Ukrainian refugees. Their overall findings present a national need, and almost 'habit' of dramatically shifting policy in the presence of unforeseen events (ibid). Contrary to this analysis in Sweden, Wikström & Sténs (2019) review a similar topic by using WPR to identify problems within the printed press between 2015-2017. Their overall aim is to problematize Sweden's

‘solution’ of sending migrants to seek employment in the forestry industry. Their approach to WPR includes finding the various discourses in how the Swedish government chooses to defend their policy problematizations (including using labor shortages and refugees needing work) (ibid). The two articles utilize WPR in different ways because the first one mentioned adopted an explanation for why the Swedish government has the ‘problems’ that they do, whereas the second provided evidence of the problematic discourses present.

To contrast the two previous articles, Rigby et al. (2021) is the most similar to our thesis research in the overall structure of the methodology. The paper seeks to understand how the UK discursively problematizes unaccompanied asylum seeking children (UASCs) through their national documents. What makes this research unique is their understanding of ‘truth’, and drawing on Foucault’s theories to establish societies ‘regime of truth’ that is produced in relation to UASCs. Many of the conclusions were in relation to the false dichotomies understood in relation to the children (ibid). The relevant note from his literature is the use of WPR to emphasize the complexity of political situations that can shape movements and ‘truths’ (ibid). By comparing and understanding the various ways in which to approach the WPR analytical method, for the thesis work at hand we will most closely draw inspiration from the research done by Rigby et al. (2021).

4. Theoretical and Analytical Framework

The theoretical framework used in this thesis is poststructuralism and is parallel to the analytical approach presented by Bacchi & Goodwin (2016). Poststructuralist notions such as underlying assumptions, possible contradictions, silences and power dynamics act hand in hand with her WPR approach. Poststructuralism argues that, rather than only looking at the construction of “things”, referencing the underlying factors which create social orders as brought into being, one must understand that they can also be deconstructed (Bacchi & Goodwin 2016 p. 4). It follows that poststructuralism therefore has a more critical approach to the construction of policy, and is well fitted to guide the analysis on the construction- and reconstruction of asylum policy regulations by the EU.

Another aspect presented in the poststructuralist realm is the production of ‘truths’. Bacchi & Goodwin (2016, p. 8) present Foucauldian ideas of the importance of discourse within

policy, drawing attention to how policies exercise power to produce ‘truths’. Similarly, Rigby et al. (2021) also presents policy as a strong form of discourse, explaining that it uses language and power to construct ‘truths’. It can therefore be argued that it is through this power that policy affects its subjects, and not the opposite (Bacchi & Goodwin, 2016 p. 8). As the government is constantly problematizing contemporary experiences, and is the authority with the responsibility for addressing new ‘problems’, their influence on interpretations and authority on representations is naturally reinforced. This adds further weight to the EU as the overarching political authority, applying to the previously mentioned argument that asylum policy first and foremost affects refugees on the personal level. However, there are also power dynamics between the national authorities and the EU. Through a reconstruction of the Dublin III Regulation, new ‘truths’ are now communicated in the AMMR. These will be identified under the lens of poststructuralism using a WPR analysis.

To conduct the interpretive analysis, the method used will be Bacchi’s ‘What is the Problem Represented to be’ (WPR). In using WPR, the problem representations made by the EU in their policy formulations will be interpreted through a structured qualitative analysis. Bacchi in her book about WPR (2009), represents the systematic methodology as a way to question the very need for political policy and what brought it about. Policy is in her view what determines the role of government and how governing takes place (Bacchi 2009, p. VIII). By applying WPR, we will be critical towards the chosen policy since the method posits that “policy is not the government solving problems, policy just produces problems” (Rigby et al. 2021, p. 506).

Within the framework of WPR, there are 6 questions that could be asked while conducting the analysis:

1. What is the problem represented to be in a specific policy or policies?
2. What presuppositions and assumptions underlie this representation of the ‘problem’?
3. How has this representation of the ‘problem’ come about?
4. What is left unproblematic in this problem representation? What are the silences? Can the ‘problem’ be thought about differently?
5. What effects are produced by this representation of the ‘problem’?
6. How/where has this representation of the ‘problem’ been produced, disseminated and defended? How could it be questioned, disrupted and replaced?

5. Methodology

5.1 Research Design

The specified design for this thesis is a qualitative analysis using two case studies: the Dublin III Regulation and the AMMR. Case studies are an effective form of research as they produce an in-depth understanding of a specific case, which may then be more generalized to the broader research field (Punch 2013, p. 234). The study utilizes WPR to produce an interpretive analysis and a descriptive/comparative analysis. These two stages each correspond to an RQ, with the first round of analysis answering RQ₁ and the second analysis producing the answer for RQ₂. As the design follows the WPR framework, the data body will consist of the two aforementioned documents after being processed through selected questions of the WPR question structure. The addition of outside literature will be utilized to triangulate findings from the analysis. Once processed, the subsequent descriptive stage will commence.

Document analysis is chosen as the overarching qualitative strategy because it can help unveil distinguishing features within society, particularly when the documents are produced by governmental entities. This qualitative research method is defined as “a systematic procedure for reviewing or evaluating documents... [requiring] that data be examined and interpreted in order to elicit meaning, gain understanding, and develop empirical knowledge” (Bowen 2009, p. 27). The development of social science research and understanding ways of thinking have been heavily reliant on various forms of document analysis, making it a strong point for our qualitative analysis (Punch 2013, p. 302-303).

5.2 Data Selection

To address the RQs we will focus only on two EU documents. These documents are publicly available through the EU’s legal database (EUR-Lex) and were found in English. The first is the Dublin III Regulation, officially called *The Regulation (eu) no. 604/2013 of the European parliament and of the council*, containing 29 pages, 42 recitals and 49 articles presented in 9 chapters. The second document is a proposal from the European Commission (the

AMMR), officially titled; *A Proposal for a Regulation of The European Parliament and of The Council on asylum and migration management amending Council Directive (EC) 2003/109 and the proposed Regulation XXX/XXX [Asylum and Migration Fund]*. It contains an Explanatory Memorandum of 28 pages, followed by the proposal of the Regulation; containing 84 recitals covering 13 pages, followed by 75 articles, divided into 7 parts with separate chapters covering 67 pages.

The Dublin III Regulation and AMMR were chosen as the documents of analysis, because they display a unique standpoint on the EU's understanding of asylum. Their production as regulations makes them legislatively significant, and additionally the research is limited to them because their purpose is more specific and in depth of the question on asylum versus the CEAS or New Pact. In the chosen regulations they present how a third country national, or stateless person, shall be distributed based on which Member States is delegated the responsibility over them. The AMMR is a response to the failures of the Dublin III Regulation, put forth by the European Commission in 2020 (Communication 2020, section 2.2 p. 5). In this way, the scope of the topic of migration policy at large is limited to asylum, and the change in recent regulations and problem representations which determine this process. The aim of analyzing the two asylum policy documents is justified through the current lack of policies in place to handle the many issues produced and reflected upon by the 2015 migration crises, and the subsequent issues that have come as a result of the working policy. To add to this justification is also the lingering pressure of how ill-equipped the EU and its Member States are at present, to handle further crises (Davis 2020; Di Nunzio 2023).

5.3 Data analysis

In order to conduct the WPR analyses on the chosen documents, first a form of thematic analysis must take place. Our document analysis includes a first-pass document review in which we identified key pertinent information that related to our RQs (Bowen 2009). This information was categorized into eight recurring themes; those themes being problem representations made by the EU. The themes used were not predefined, and emerged upon reading the documents. Once themes were identified and the relevant articles were categorized, we conducted our in-depth WPR analysis. The data matrix and themes can be found in the appendix.

5.3.1 The Dublin III Regulation WPR Analysis

By applying a WPR approach on the Dublin III Regulation, questions 1, 2, & 5 will be answered. These questions were selected as they best create a cohesive understanding of how the Dublin system failed, and how the EU decided to make changes when drafting the AMMR. In this, Question 5 becomes particularly relevant as it reflects on the effects of problem representations within the Dublin III Regulation. Question 6 from the WPR framework was not included in the analysis because we have provided a background on the Regulation and established its replacement with the AMMR, making it irrelevant to analyze ‘how it could be replaced’. To conduct the analysis, eight themes were identified and organized from the written document. They were identified as the predominant representations of the ‘problems’ through their repeated occurrences, and their significant connection to the outlined WPR questions. Questions 1, 2, & 5 will be analyzed using two of the identified themes, with the strongest significance to problem representations:

1. The Member State responsible for an asylum application.
2. The rights that are reserved and need protected for the asylum seekers.

An additional silence (theme) that was identified in the Dublin III Regulation concerns ‘The Equal Distribution of Applications and a need for Solidarity.’ This ‘problem’ was not specifically outlined within the Regulation, but rather it was implied. The wider ‘problem’ is that solidarity was left unproblematic, thus drawing the attention to an analysis in line with the fourth question of the WPR method: What is left unproblematic in the Dublin III Regulation? What are the silences?

5.3.2 The AMMR WPR Analysis

This section will conduct a WPR analysis of the AMMR for the purpose of being able to carry out a descriptive analysis on the changes in problem representations from the Dublin III Regulation to the AMMR. The following document is a proposal of a legislative policy (as the entire New Pact has not reached formal implementation within the EU), and was written with the intention of directly replacing the Dublin III Regulation. Despite this document not representing an active policy, it still qualifies for analysis because “WPR can be applied to the range of

materials produced by [actors, professionals], and experts” (Bacchi 2021). Considering this, the proposal of the AMMR is deemed a sufficient document for analysis.

The chosen questions for analysis in this section are the same as the ones above. The difference between them is that the AMMR has not formally been legislatively adopted in the EU, which means that Question 5 is irrelevant to the policy initiative. In light of this, Question 3 becomes relevant since the additional descriptive analysis is based on the changes from the Dublin III Regulation to the AMMR, meaning that how the ‘problem’ came about is more applicable as a point of analysis. Question 4 is also not included since solidarity is not a theme in the AMMR.

Identical to the first round of analysis, the selected themes are the significant problem representations of the AMMR, which will be processed through the relevant WPR questions. Questions 1, 2, & 3 will be analyzed using these identified themes:

1. Common framework and Solidarity between States
2. Migratory Pressures and Border Controls in Member States
3. The Member State responsible for an asylum application

5.3.3 Descriptive Analysis

The descriptive analysis focuses on a direct comparison of how the problem representations were made in one regulation vs. the other. A descriptive method is added to complement the interpretive counterpart, making it a well fitted extension of the analysis. Data collected from the interpretive analysis will be categorized into themes and topics that carry certain problem representations made by the EU in both the Dublin III Regulation and the AMMR. Subsequently, the produced differences found in the WPR analysis of both documents will provide the sought after ‘changes’ in the direction of EU Migration and Asylum policy between the two regulations (Punch 2013, p. 58). The aim of this descriptive/comparative analysis is to give larger and more applicable value to the data and the practical changes that can be witnessed within EU policy problem representations.

5.4 Ethical Considerations

In any analytical approach to qualitative research, there are many ethical considerations to take into account. In the interpretative section there is a level of subjectivity that is required

when aiming to understand and interpret language, even in the use of policy documents (Punch 2013, p. 361). Ethical considerations are often associated with interviews, field work, or other human interactions (ibid. 94-95). However, using document analysis for this thesis research, our subjectivity as researchers must be acknowledged (Roof & Polush 2016). Because we seek to contribute to the discussion on problem representations in asylum policy, there is a nuance of subjectivity to how we, bachelor researchers, think about and categorize what we deem as problem representations. The ‘truths’ we identify from the EU cannot be found from an objective standpoint, and are situated to be argued upon. Because of this, biases may occur when analyzing the underlying meanings of the problem representations (Braun & Clarke 2021). Situating ourselves as dual, EU/non-EU citizen researchers, and students of development, we aim to use our knowledge to triangulate and add perspective to the research while acknowledging our positionality.

6. The Dublin III Regulation Analysis

6.1 What is the problem of the asylum application system represented to be in the Dublin III Regulation?

6.1.1 The Member State responsible for an asylum application

The predominant feature of the Dublin III Regulation, and the problem it most aims to rectify is the process of identifying which Member State is responsible for processing an asylum application. This problem representation is found throughout the Regulation, but can be analyzed in depth in Chapter 3 as “the criteria for determining the Member State responsible shall be applied in the order in which they are set out in this Chapter” (The Dublin III Regulation, Article 7.1). From this chapter the answers are drawn to the first WPR question. The EU has identified the ‘problem’ as a need for a comprehensive set of rules to guide the process for determining the responsible Member State for a given application. Because this legal aspect was missing within previous legislation, causing subsequent problems, the EU commissioned the Regulation to redefine, clarify, and rectify the ‘problem’ at hand. This hierarchy of criteria lists the priorities as follows: unaccompanied minors, family connections, residency documents & visas, and irregular or visa free entry (The Dublin III Regulation, Articles 7-15). The Commission deemed these

measures as sufficient to solve the ‘problem’ of too many applications across too many Member States.

6.1.2 The Rights Allocated and Reserved for Applicants

Under the Dublin III Regulation, one of the problems represented within the asylum application system is the protection of rights and protections for applicants. The Regulation makes an active effort to outline and specify which rights are reserved and should be made clear to the applicants. This action implies that the EU has precedence of human rights violations within the asylum sector that need to be rectified (Davis 2020), and thus clarified in the Regulation. Some of the rights include data information security, health benefits, and minor’s rights (The Dublin III Regulation, Articles 4, 16, 34, & 38-40). The EU makes a clear effort to distinguish that “Member States shall take all appropriate measures to ensure the security of transmitted personal data” (The Dublin III Regulation, Article 38) as well as outline who qualifies as a proper authority, and who is approved to be given access to data, implying that data security and handling of personal information commands certain attention (ibid). This problem representation is important to analyze because it acknowledges the problems faced on a more personal applicant-level than that of problems which lie on an administrative level. It acknowledges that the Dublin III Regulation is not strictly limited to legal procedures, and emphasizes the importance of transparency with the applicant.

6.2 What presuppositions and assumptions underlie the representations of the ‘problems’ in The Dublin III Regulation?

6.2.1 The Member State responsible for an asylum application

Migration policies on solely the national level are not sufficient for addressing the larger scale migration patterns. The presupposition for the importance of any EU level migration regulation is that there needs to be a supranational framework in place (Tsourdi & Bruycker 2022, p. 2-3). The central presupposition for the creation of the Dublin III Regulation was migration shopping (Commission 2008, Section 2.1.1, p. 6). The presented ‘problem’ of this phenomenon were the blocks and inefficiencies of processing multiple applications in various places. One of the assumed outcomes made by the EU in addressing the ‘problem’ in this manner

was that it would make the general application process more effective for the benefit of both the Member States and the applicants, on the presumption that migration would remain regular.

6.2.2 The Rights Allocated and Reserved for Applicants

As mentioned, the Regulation makes a great effort at detailing which authorities shall have access to personal data, and the conditions under which it may be transferred (The Dublin III Regulation, Article 38). This creates the assumption that the management of personal data is of heavy significance, that there may have been previous problems with the handling of it, and that it is imperative to handle data in a sensitive manner. Additionally the Commission outlines the assumption that the European Convention for the Protection of Human Rights and Fundamental Freedoms (and the Charter of Fundamental Rights of the European Union) is sufficient and legitimate enough to reference in the Regulation. This legitimacy implies that Member States respect and act under the Human Rights outlined in European Conventions, and will uphold these rights for asylum applicants without EU enforcement.

6.3 What is left unproblematic in the Dublin III Regulation? What are the silences?

6.3.1 The Equal Distribution of Applications and a need for Solidarity

In this section one of the silences identified in the Dublin III Regulation was the need for equal distribution of applicants between different EU Member States. The Regulation outlines the need for asylum seeking to be expedited; however, it lacks measures for an equal transfer of applicants from predominantly Southern Europe to the rest of the Member States (Davis, 2020). Despite the Regulation proposing solidarity between Member States in the preamble, it does not explicitly outline a legal procedure for a solidarity mechanism between the States, thus making solidarity one of its silences.

To answer Question 4, solidarity is examined as a concept that was briefly mentioned by the EU (The Dublin III Regulation, Recitals 22, 23); however, it is not a ‘problem’ that they addressed with the aim of solving it through policy. The EU deemed solidarity unproblematic as they assumed that solidarity would increase ‘naturally’ as an effect of the Regulation. The lack of further depth presents two possible cases; firstly there is the idea that it will unfold on its own, or, secondly that there are further complications in pursuing equal distribution. It is imperative to highlight that solidarity and equal distribution are distinct concepts and should not be conflated.

However, they are both presented as silences because in the Regulation they are introduced without the same sensitivity, or criteria for implementation, as in the case of the hierarchy of determining responsible Member States or the procedures outlined for applicants' rights.

6.4 What effects are produced in the practical application of the Dublin III Regulation in light of these representations of the 'problems'?

6.4.1 The Member State responsible for an asylum application

The problem representation of which Member State should be responsible for examining a lodged asylum application proved many practical application problems during and after the 2015 migration crisis. Under the Dublin III Regulation, cooperation between countries was extremely low, and the burden of asylum seekers coming into the EU was placed on the Mediterranean Member States. Many Eastern and Central European countries refused entry of applicants completely (Kuzelewska & Piekutowska 2021). Because the EU problematized "migration shopping" in the Regulation the policy created a "block" in the system by which asylum seekers could not make it farther into Europe. This resulted in an uneven distribution of asylum seekers throughout the Union (Davis 2020; Mitchell 2017). In summary, representing the 'problem' as a need for asylum seekers to only lodge one application at their first point of entry proved insufficient in practice and created a need for new policy from the EU.

6.4.2 The Rights Allocated and Reserved for Applicants

The practical application of rights from the Dublin III Regulation was rather unsuccessful, especially in light of the 2015 migration crisis in which Member States' capacities for accepting asylum seekers was diminished significantly (Davis 2020). Chapter 3 of the Regulation establishes a hierarchy of criteria for locating applicants, assuming this would contribute to more even distribution and transfer of applicants (The Dublin III Regulation, Articles 7-15). However, in practice, the majority of applicants could not seek and claim the rights of family ties which would qualify them for transitions to other Member States. In search of family members, or humane settlement of their own families, some applicants were faced by fences or blocked housing (Davis 2020). In relation to UASCs, there was a lack of legal advice and translation tools offered to the children as outlined in the Dublin system throughout the Union (Mitchell 2017). The general effects of the problem representation exposed flaws of the

Dublin III Regulation in the management and enforcement systems for ensuring the rights of applicants in times of crisis and high migrant influx pressures.

7. The AMMR Analysis

7.1 What is the problem represented to be in the AMMR?

7.1.1 Common framework and Solidarity between States

Consistently within the AMMR the Commission refers to the need for solidarity, a common framework, and communication between systems as ‘problems’. The main problem representation is the current lack of solidarity between Member States, and third countries. Solidarity is applied when “a country finds itself under hard migrant pressures” (AMMR, Article 49.3) and contributions are outlined as the reallocation of migrants, migrant sponsorship, and capacity-building measures for distressed Member States (AMMR, Article 45.1).

One of the main mechanisms and policy proposals outlined in the AMMR is the presence of a Solidarity Forum. Introduced in the preamble and Article 46 the Solidarity Forum is to be convened “[g]iven the need to ensure the smooth functioning of the solidarity mechanism established in this Regulation” (AMMR, Recital 17). The Solidarity Forum is the solution offered to hold Member States accountable for their contributions outlined in the AMMR (Recital 3).

An additional, noteworthy instance of solidarity being problematized is the proposed need for a solidarity pool (AMMR, Article 49). The Commission offers this solution to the ‘problem’ by placing quotas on each Member State to contribute to the solidarity pool. The ‘pool’ is understood to be where countries in need can draw out resources from other Member States, in the form of contributions mentioned above. All of these representations combined showcase how the EU has decided to bring light to the ‘problem’ of solidarity and how they aim to tackle this issue. In summary, the overarching problem representation in the AMMR is the lack of agreements, accountability measures, and mutual support that would allow Member States to aid one another in times of migratory pressure.

7.1.2 Migratory Pressures and Border Controls in Member States

Throughout the entire proposed AMMR, the Commission brings up the ‘problem’ of border controls and their desired solutions for a comprehensive data system (Eurodac) by which migrants are tracked. Illegal applicants are discussed in Article 21, as well as the articles ordering take-backs (AMMR 21, 26, 31-35), where border management and the transfer of migrants is addressed. Communicated in recital 67, the EU wants to enlarge Eurodac, have it facilitate the application of this Regulation (AMMR), and achieve a cohesive database of migrants entering Union territory. The ‘problem’ is understood to be a high influx of migrants who have not gone through the proper screening and application process to legally reside within the EU (AMMR, Article 50.3). To address and solve this ‘problem’ the EU wants to more heavily regulate the illegal pathways (AMMR Article 5.1.(b)). In the AMMR, there are several articles linked to assessing what is considered to be migratory pressure and how a crisis can be defined by a Member State (AMMR Articles 6, 50-54). The problem representation in these articles is that the EU should evaluate and track migratory pressures over individual Member States.

7.1.3 The Member State responsible for an asylum application

The largest section of the AMMR concerns the criteria and mechanisms for determining the Member State responsible for an asylum application (AMMR, Part III). The problem representation is determined to be the direct, and clearly outlined rules and procedures for where an asylum application should be lodged and processed. The Commission expresses the importance of taking care of UASCs first (Article 15), then family members (Articles 16-18), and then continued their hierarchy of criteria in order (AMMR). By doing this, they problematize the way that asylum applications have been prioritized in the past, and which Member States have been responsible for those applications. In addition to this, they continue to outline the obligations of the Member State responsible for the application. This acts as a response to the ‘problem’ of Member States taking on their responsibilities for the applicant, and the proper procedures for the examination process (AMMR, Articles 26-27). The Commission also chooses to recognize the obligations of the applicant involved, thus problematizing how applicants in the past have not adhered to their due responsibilities throughout the asylum application process (AMMR, Article 9).

7.2 What presuppositions and assumptions underlie this representation of the ‘problem’ in the AMMR?

7.2.1 Common framework and Solidarity between States

The underlying assumption of the ‘problem’ is that there is a need to find a more common approach in the system of migration and asylum. There are too many separated paths of action, in other words; the system is not centralized enough to agree on an approach in which all members contribute. Here, the deeper, underlying presupposition is the already existing freedom of Member State participation in mechanisms, such as opt in, opt outs, partial implementation of regulations as well as poor existing relations with third countries. The relation to third countries is mentioned in Recitals 2, and 15, as measures of joint efforts under the same regulations- an example being talked about as the strengthening of return admissions in Article 7 (AMMR). Ultimately, the EU posits that there needs to be unification of these policies to increase efficiency, and that harmonization will provide this for all parties involved.

Other assumptions, related to functionality, are the mechanisms surrounding contributions by Member States to solidarity. The introduction of a pool and financial compensations are all in place to regulate the mandatory contribution to the function of solidarity, all under the assumption that there will be no unity without these regulatory measures (AMMR, Articles 5, 45, & 49).

7.2.2 Migratory Pressures and Border Controls in Member States

The ‘problem’ of illegal migrants entering the EU, comes as the result of certain presumptions and assumptions made by the European Commission upon drafting the AMMR. The main point made in the proposal by the Commission in their proposal for a New Pact was that illegal migration would undermine the validity and privileges of free movement between Member States (Communication 2020, Section 4.4, p. 14). This is a representation of the EU’s presumption that as an institution, they are only legitimate if all of their external (visual) proceedings are functioning properly. Hence, if the byproducts of the EU aren’t functioning, then the Union at its core cannot be deemed functional. Recital 47 states that family reunification shall be prioritized, presuming this is a contributing factor to illegal movements. In the presence of unauthorized movements from third countries, the Commission assumes it is the result of poor functionality between the EU and its third country partners (AMMR). The document also sets

out clear accountability for applicants to adhere to all procedural obligations on both the Member State- and Union level (AMMR, Recital 53). Article 5.1 (e) sets out a clear regulation that all States shall take full, and reasonable measures to prevent, and correct unauthorized movements between Member States, thus presuming this is an issue which commands large and joint measures to face (AMMR).

‘Diploma or qualification’ are valued as a way for distributing applicants, creating the assumption that the EU wants to find ways to attain and distribute high skilled workers (Recital 50, AMMR). This is in line with statements of the EU losing the “global race for talent” (Communication 2020, Section 7 p. 25). The assumption made here is that it is in the EU’s best interest to admit highly educated third country nationals to enter the Union and replenish the population. This is to protect the aforementioned reputation of the EU, as well as to minimize the burden on Member States. This could also tie in with the desire for an easy integration process, presuming the applicant is familiar with the place of which they attained their diploma (Communication 2020, Section 6.6 p. 23).

7.2.3 The Member State responsible for an asylum application

The presumption made by the problem representation is that Member States avoid the responsibility of examining applications, urging the EU to create specific guidelines for assigning and processing asylum applications. Other assumptions outlined by the representation of the ‘problem’ is that the Regulation would enforce and ensure the rights and aid of UASCs and place family matters first. The Commission assumes that these will be upheld by Member States as they do not outline enforcement mechanisms on the Union level. Another assumption made is that unless clearly specified by the EU, asylum applicants would not hold to their obligations under asylum seeking law. This assumption is made clear by the consequences laid out by the Commission if applicants do not show compliance with the Regulation, transfers, and state authorities (AMMR, Article 9).

7.3 How has this representation of the ‘problem’ come about in the AMMR?

7.3.1 Common framework and Solidarity between States

In light of the 2015 migration crises, it became apparent that Member States were not able to work together to share the burden that landed on some Member States as a result of previous agreements (Davis 2020; Kuzelewska & Piekutowska 2021). Because of this it became apparent that the Dublin III Regulation did not deliver a framework for equal distribution of asylum applicants between countries, effectively crashing the system. This became obvious in light of many Southern and Central European countries closing their borders entirely to asylum seekers (Vara 2023). The entire fallout of the 2015 migration crisis caused distrust and disheartenment to the Union, putting into question the ability for the EU to function on an overarching policy level, thus creating the call for solidarity.

7.3.2 Migratory Pressures and Border Controls in Member States

The main historical juncture to address the problem representation of border control and the documentation of arrivals concerns the presence of illegal migrants during the 2015 migration crisis. This influx was a large push-factor behind the problem formulation. The EU saw over 900.000 asylum seekers arrive on EU shores in 2015 alone, effectively shocking the migration system (Spindler 2015). Many of these entries happened illegally, signaling to the EU that they needed to problematize, and change their external border controls and update their overall migration policy (Davis 2020). The 2015 migration crisis was the ‘breaking point’ of the Dublin III Regulation which prompted the ‘problem’ of illegal entry becoming viewed as a highly criminal act by the EU (Communication 2020, Section 5 p. 15). In turn, this evoked the creation of the New Pact and AMMR and largely answers the question of how the ‘problem’ of border control came about.

7.3.3 The Member State responsible for an asylum application

The problem representations surrounding which Member State is responsible for an asylum application stem from the Dublin III Regulation. The previous regulation for asylum applications already addressed the found problem of ‘migration shopping’ (Davis 2020); however, it did not account for the increased need for distributing applications or holding applicants accountable. In relation to the 2015 migration crisis and increased numbers of

applications, the AMMR set out similar rules as the Dublin system, but added a solidarity factor which would encourage applications to be shared to alleviate migratory pressure. Amidst the crisis, the EU also witnessed an increase in illegal entry of migrants, resulting in the incorporation of an article on the obligations of the applicant (AMMR, Article 9). With this the Commission implies that applicants did not cooperate with authorities or comply with transfer decisions, making this a new and important point for the EU to include in the AMMR.

8. Descriptive Analysis

The first and most notable comparison between the two documents is how they present the need for solidarity. In the Dublin III Regulation solidarity is represented as a silence as there is no problematizing the lack thereof. Despite being mentioned in the preamble, there were no official articles written on it. The original presentation of solidarity was that it was a given framework that would develop on its own over time (The Dublin III Regulation, Recitals 7-9). This regulation also presents no concrete definitions for solidarity, nor any examples for what solidarity could look like between countries. Additionally there were no requirements placed that would bind Member states into supporting one another in times of migratory pressure. Upon drafting the AMMR, solidarity was clearly excluded in previous EU asylum policy, which led to the problematization of it in the new regulation proposal. In this Regulation, the EU Commission specified the need for ‘common frameworks’ within EU policy, particularly within asylum law. In contrast to the Dublin III Regulation, the AMMR presents multiple definitions and examples of solidarity and how it would look on a practical EU level (AMMR, Articles 34-42 & Recitals 25-30). This includes the solidarity pool, as well as the Solidarity Forum, defining at what point a country would be in need of solidarity from other Member States. In short, the AMMR sets out a higher standard and emphasizes external relationships more.

Another area for comparison is the presentation of mechanisms for choosing a responsible Member State, including a hierarchy of criteria. In the Dublin III Regulation, to combat “migration shopping”, there was an introduction to a hierarchy of criteria for which country would lodge and process an asylum application. The Dublin system placed priority on UASCs and family reunification when assigning asylum applications. Following this the default

Member State responsible when there are no family members present in an EU state became the first country of entry for an asylum applicant. The AMMR still combats migration shopping, but adds more nuances to the ‘problem’ represented in their hierarchy of criteria. In addition to the same hierarchies for UASCs and family reunification, the AMMR proposes adding diplomas and education. This is argued in the light of skills- and talent seeking as well as easing integration (Communication 2020, Section 7 p. 25). Other than the education stipulation, the ‘problem’ is represented as the same and few changes were uncovered.

The final point of comparison to be made is the articles outlined to secure the rights of asylum applicants. The Dublin III Regulation had outlined in Articles 4 & 16 various human rights and special needs rights to be respected. There are no specifications on the compliance or cooperation from asylum seekers in their ability to claim their rights. More rights outlined include heavily detailed health provisions and a health certificate. These include healthcare protections for transferring asylum seekers. The EU also outlines systems for data protections and the rights to general private information concerning movements and transfers, only to be handled by authorized professionals (The Dublin III Regulation, Articles 38-40). The presentation on the rights of the applicants became downplayed in the AMMR. With the exception of data protections, there is very little mention of general rights, and an increase in the mentions of the obligations owed by the applicants (AMMR, Article 9). The presence of asylum seekers needing to uphold and cooperate under the AMMR is a unique addition to the Regulation. The Dublin III Regulation offers a common health certificate with information about outstanding cases of serious health needs (The Dublin III Regulation, Article 32.1). In the AMMR, the mention of handling this information is only through the Member States’ best ability to transfer information and there is no mention of a Commission regulated certificate. In short, there were several overarching differences found in the use of solidarity and applicant rights, and fewer changes found amongst the mechanisms for choosing a responsible Member State for processing an application.

9. Conclusion

Upon concluding the analysis and outlining the problem representations in the Dublin III Regulation and the AMMR, there is considerable evidence that the ‘problems’ understood in the first regulation had significant impacts on the formulation of the AMMR. Considering that the main aim for the two documents is to set out the criteria for a responsible Member State, the Commission made very few changes to the hierarchy of criteria for this responsibility. With the exception of adding a pathway for those previously educated in the EU, the Commission did not find it necessary to amend the hierarchy after the 2015 migration crisis. Because the Commission did not shift their problem representations, it would imply that they deemed the Dublin III Regulation hierarchy a general success.

If the Commission’s plan continues as prescribed, the legislative approval of the New Pact in its entirety will create immense changes for the asylum seeking applicant and the Member States involved. With changes in policy come new formulations of ‘truths’ and the impact of the policy can be interpreted in a new light. Any assumptions on whether the New Pact will be successful or not are predictive and cannot be answered at present time; however, they are given value since reservations had hindered the New Pact, including the AMMR, from being fully approved. The changes found in the analysis above reflect developments in the EU perception of asylum problems; they do not present guarantees that the newly proposed systems will be successful.

In conclusion, from the analysis there is considerable evidence that the ‘problems’ understood in the first Regulation had significant impacts on the formulation of the AMMR. In response to the original RQs, the interpretive WPR has proven an effective tool to trace changes in the Dublin III Regulation and the new AMMR by identifying an increase in solidarity, relating strongly back to the need for flexible solidarity and DI- identified in the academic debate. The switch from solidarity being a silence to it becoming the focal point of the AMMR is a huge development in migration policy, and could act as an example for future EU policy. The concrete definitions and mechanisms for solidarity are unique and are the primary reasons as to why the New Pact and AMMR have not been legislatively passed in the EU. The problem representations found and their developments and could have implications for other legislation, where pools and quotas for solidarity could become an inspiration for future policy in the Union, if the AMMR is

seen as effective. The found increase in solidarity means that Member States now have more freedom in their application of EU regulations, proving a shift in power relations when drafting new policy. Ultimately the Member States' separate interests now have more significant influence over how the EU has to operate. In light of this, future research can consider these increases in divergence when applying WPR to other EU policy documents. Moreover researchers can posit the missing WPR questions to expand upon and draw more detailed findings on asylum in the EU.

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10.1 Legal documents

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- Commission staff working document accompanying the communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and

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11. Appendix

11.1 The Dublin III Regulation Data Matrix

Theme (Problem Representation)	Relevant Articles	Relevant Preamble Recitals
Mechanisms of choosing Responsible Member State	Articles 7-15	Recitals 14-19, 22, 29, 40
Family Unity	Articles 8-11, 16	Recitals 13, 14, 15, 35
Transfer Mechanism	Articles 18-29, 41	Recitals 18, 19, 20, 21
Protection Against Inhumane Treatment (Human Rights)	Articles 3, 4, 29	Recitals 5, 12, 17, 39
Procedural Safeguards and Rights (Human Rights)	Articles 4, 5, 16, 26-29, 32, 34, 38-40	Recitals 16, 17, 18, 19, 23, 26
Responsibilities of Member States	Articles 3, 6, 7, 30-31, 34-40	Recitals 4, 11, 24, 25, 27, 30-38
Special Provisions for Minors	Articles 6, 8-12	Recitals 13, 24
Crisis Management and Solidarity	Articles 33	Recitals 22, 23

11.2 The AMMR Data Matrix

Theme (Problem Representation)	Relevant Articles	Relevant Preamble Recitals
Mechanisms of choosing Responsible Member State	Articles 8-15, 21-22	Recitals 11-20, 34, 40, 50-55, 57, 68, 74
Family Unity	Articles 8-11, 16-18	Recitals 11, 12, 13, 44-49
Transfer Mechanism	Articles 26-33, 57-59	Recitals 21-24, 38, 61-64
Protection Against Inhumane Treatment (Human Rights)	Articles 4, 5, 6	Recitals 5, 8, 9, 58-61
Procedural Safeguards and Rights (Human Rights)	Articles 4, 5, 26-27, 62-64	Recitals 7, 18, 19, 20, 36-42, 56, 70, 72, 74
Responsibilities of Member States	Articles 5, 6, 7, 26-27, 34-39	Recitals 4, 6, 10, 25, 69
Special Provisions for Minors	Articles 6, 8-12, 15, 25	Recitals 14, 15, 43, 63
Crisis Management and Solidarity	Articles 34-56, 60-61	Recitals 17, 25-32, 35, 63, 73, 78