

# When Securitization Spills over Across EU Borders: A Quantitative Mapping of the External Dimension of EU Migration and Asylum Policies<sup>\*</sup>

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*This article provides new empirical insights on the external dimension (ED) of European Union (EU) migration and asylum policies (MAPs) as a case of securitization, by mapping its policy tools across time and space. More specifically, the goal of the article is two-fold. It engages into a new mapping exercise that enables an understanding of how 'geographically spread' the ED of EU policies on migration and asylum is, as well as providing insights into 'where' and 'what' the EU has externalized in the last twenty years. Second, it assesses to what extent the number, type and distribution of ED policy tools reflect dynamics of the securitization of migration and asylum. The article builds upon the literature on securitization and externalization, looking at it afresh by adopting a perspective focused on policy tools. Empirically, the analysis is based upon a new comprehensive database containing data on 153 ED tools according to their characteristics and regions. The article argues not only that policy tools characterize the ED as a further feature of the securitization of migration, but also that externalization through practices of securitization has not been limited to the EU immediate borderlands but has rather spilled over across regions and frontiers.*

**Keywords:** Externalization; migration policies; securitization; policy tools; border control; return and readmission; asylum

## 1 INTRODUCTION

In the last decade, the many migration crises at the European Union's (EU's) southern borders have inevitably put the spotlight on the external dimension (ED) of EU

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Migration and Asylum Policies (MAPs).<sup>1</sup> The process of externalization of border control is not new and already starting in the early 2000s the EU moved towards international cooperation as a way to compensate for the deficiencies of traditional domestic migration control and for the failure to develop a common policy.<sup>2</sup> Yet, due to the scale and salience of recent migratory movements across the Mediterranean, over the past few years the involvement of non-EU countries in the management of migration at the EU borders has gained a new prominence, with an unprecedented and systematic implementation of migration management measures outside the territory of the EU.<sup>3</sup> This can be most glaringly observed in the dizzying plethora of instruments that over time have taken the form of arrangements, common agendas, compacts, deals, migration clauses, migration dialogues, statements, and partnerships; in the complex entwining of formal, informal, bilateral, and multilateral patterns of cooperation; as well as in the legal, operative, and political frameworks across borders, countries, and regions. These variable geometries of agreements and settings are relevant not only because most of these extraterritorial actions are tailored to stem, prevent, and contain migratory flows. But, also, because they inevitably affect asylum-seekers' mobility, their possibility to enter the EU territory, and the ensuing right to make asylum claims. Whereas the EU and the Member States have developed standards to protect vulnerable people, protection is provided only once potential refugees gain access to the EU territory and to asylum determination procedures.

Due to its growing significance and crucial implications, the ED of EU MAPs has attracted an impressive body of literature in terms of institutional development, tools, and patterns of cooperation.<sup>4</sup> Moreover, most scholars converge on interpreting the process of externalization as a direct consequence of the transformation of the very concept of security in the EU,<sup>5</sup> with the ED emerging as a new element of the migration-security nexus.<sup>6</sup> In this regard, the externalization of the

<sup>1</sup> Migration and asylum policy is here intended as the EU policy regulating the migration flow to the EU territory according to Art. 79 TFEU.

<sup>2</sup> C. Boswell, *The 'External Dimension' of EU Immigration and Asylum Policy*, 79(3) *Int'l Aff.* 619–638 (2003); A. Geddes, *Europe's Border Relationships and International Migration Relations*, 43(4) *J. Com. Mkt. Stud.* 787–806 (2005).

<sup>3</sup> I. Goldner Lang, *The New Pact on Migration and Asylum: A Strong External and a Weak Internal Dimension?*, 27(1) *Eur. Foreign Aff. Rev.* 1–4 (2022); A. Pacciardi & J. Berndtsson, *EU Border Externalisation and Security Outsourcing: Exploring the Migration Industry in Libya*, *J. Ethnic Migration Stud.* 1–20 (2022).

<sup>4</sup> See among others, Boswell, *supra* n. 2; A. Geddes, *Europeanization Goes South: The External Dimension of EU Migration and Asylum Policy*, 3(2) *J. Comp. Gov. & Eur. Pol'y* 275–293 (2005); N. Reslow, *The Politics of EU External Migration Policy*, in *The Routledge Handbook of the Politics of Migration in Europe* 391–400 (A. Weiner, S. Bonjour, L. Zhyznomirska eds, Routledge 2018); *Constitutionalising the External Dimensions of EU Migration Policies in Times of Crisis* (S. Carrera, J. Santos Vara & T. Strik eds, Elgar Pub 2019); N. Reslow, *EU External Migration Policy: Taking Stock and Looking Forward*, 5(3) *Global Aff.* 273–278 (2019).

<sup>5</sup> F. Longo, *Justice and Home Affairs as a New Dimension of the European Security Concept*, 18(1) *Eur. Foreign Aff. Rev.* 29–46 (2013).

<sup>6</sup> J. Huysmans & V. Squire, *Migration and Security*, in *Handbook of Security Studies* 169–179 (M. Dunn Cavelty & V. Mauer eds, Routledge 2009).

EU MAPs is explored as a distinctive feature of the larger process of securitization of migration<sup>7</sup> both in terms of discourses and practices. With reference to discourses, the ED is considered as a crucial element of the discursive construction of migration as a ‘security threat’<sup>8</sup> thereby bringing internal security objects into the EU external action.<sup>9</sup> In the case of practices, the ED is considered as a relevant instrument for translating securitizing discourses into practices of migration control. In fact, the process of securitization of migration requires extraordinary measures through burden-shifting to non-EU actors, border closure strategies, preventive measures, and remote control.<sup>10</sup>

Building on the assumption that ‘the analysis of policy tools may improve our understanding of securitization’,<sup>11</sup> and that it provides a ‘helpful method to attend the dynamics of securitizing practices’,<sup>12</sup> this article aims to offer new insights on the ED of EU MAP as a case of securitization by mapping its policy tools across time and space. More specifically, the article first demonstrates how the ED has spilled over from border countries to farther geographical areas and through which tools. It then assesses to what extent the number, type and distribution of ED policy tools reflect the securitization of EU MAPs.

Therefore, the objective of the article is twofold. First, it seeks to understand which and how many ED’s policy tools actually mirror securitization dynamics and what their consequences and implications are for both EU migration and asylum governance. Second, it aims to engage into a mapping exercise that enables an understanding of how ‘geographically spread’ the ED of EU MAP is, as well as providing insights into ‘where’ and ‘what’ the EU has externalized in the last twenty years.

Building upon the consolidated literature on securitization and externalization, this article introduces the policy tool perspective. The aim is to analyse the ED from an empirical point of view by developing a typology of the EU’s ‘toolbox’ of externalization.

We rely upon the data collection carried out in the framework of the H2020 project – *PROTECT – The right to international protection*. The methodology is

<sup>7</sup> B. Buzan, O. Wæver & J. de Wilde, *Security: A New Framework for Analysis* (Boulder 1998).

<sup>8</sup> J. Huysmans, *The European Union and the Securitization of Migration*, 38 J. Com. Mkt. Stud. 751–777 (2000); *The Securitization of Migration in the EU. Debates Since 9/11* (G. Lazaridis & K. Wadia eds, Palgrave 2015).

<sup>9</sup> J. Monar, *Justice and Home Affairs*, 48 J. Com. Mkt. Stud. 143–162 (2010).

<sup>10</sup> D. Wunderlich, *Implementing EU External Migration Policy: Security-Driven by Default?*, 11 Comp. Eur. Pol. 406–427 (2013); D. S. Fitzgerald, *Remote Control of Migration: Theorising Territoriality, Shared Coercion, and Deterrence*, 46(1) J. Ethnic Migration Stud. 4–22 (2020); S. Panebianco, *The EU and Migration in the Mediterranean: EU Borders’ Control by Proxy*, 48(6) J. Ethnic Migration Stud. 1398–1416 (2022); S. Léonard & C. Kaunert, *The Securitisation of Migration in the European Union: Frontex and Its Evolving Security Practices*, 48(6) J. Ethnic Migration Stud. 1417–1429 (2022).

<sup>11</sup> T. Balzacq, *The Policy Tools of Securitization: Information Exchange, EU Foreign and Interior Policies*, 46 J. Com. Mkt. Stud. 75–100 at 76 (2008).

<sup>12</sup> *Ibid.*, at 76.

based on primary and secondary sources, as well as on the development of a comprehensive database which collects data on 153 EU ED tools, between 2000–2020, according to their characteristics and regions. The database is also transformed into a visual map. This map is an interactive tool for anyone interested in exploring the ED and wishing to know ‘what the EU is doing where’, when it comes to migration policies and cooperation with third countries.

Through a quantitative mapping, this article argues that policy tools characterize the ED as a further feature of the securitization of migration and as a further pillar to achieve border security. Moreover, the article claims that the externalization of EU’s MAP through practices of securitization has not been limited to the EU immediate borderlands but has rather spread across regions and frontiers. In so doing, the article contributes to the existing literature by providing a new perspective and fresh empirical data. In addition, it raises new implications in terms of the impact of the ED on asylum and international protection.

The article is organized as follows. First, it theoretically explores the ED of EU’s MAP, bridging securitization and policy instruments and arguing that a spotlight on the ED instruments provides a prism to better understand the dynamics of securitizing practices in migration governance. The second part defines the ED policy instruments and proposes a typology of ‘toolbox’. Sections three and four illustrate methodology, data collection and explain how the database of tools was constructed. Then, in section five and six we respectively discuss empirical results, and the implications of findings for the EU governance of asylum.

## 2 THE ED OF EU’S MAPS: BRIDGING SECURITIZATION AND POLICY INSTRUMENTS

The ‘ED’ of EU MAP refers to the inclusion of these areas into the scope of the Union’s external relations, and to the involvement of migrants’ countries of origin and transit in the control of migratory flows. While the concept was formally defined in 1999 by the European Council of Tampere,<sup>13</sup> the call for the integration of migration and asylum into the EU’s external policy goes back to the 1990s,<sup>14</sup> when the European Commission claimed the need ‘to make migration an integral element of Community external policy’.<sup>15</sup> Since then, cooperation with third countries has rapidly become a key cornerstone of EU MAPs. The EU

<sup>13</sup> The European Council identified the partnership with third countries of origin and transit as a key element for the success of EU migration policies.

<sup>14</sup> Boswell, *supra* n. 2.

<sup>15</sup> European Commission, *Communication on the Right of Asylum* (11 Oct. 1991), <http://aei.pitt.edu/1275/> (accessed 14 Jun. 2022).



Agenda for Migration,<sup>16</sup> the New Pact on Migration and Asylum<sup>17</sup> and the European Commission's Communication on Enhancing Cooperation with Third Countries<sup>18</sup> have all heralded third countries' engagement as an old but gold element for an effective migration policy.

Within the literature on the ED of migration policies, three main analytical strands can be traced. The first strand considers the ED as part of a broader redefinition of contemporary border theory that implies the reorganization of the link between authority and territoriality, as well as the very reshaping of the classical notions of borders and sovereignty. In this strand, scholars define externalization as 'remote control of migration',<sup>19</sup> 'extraterritorialization of territorial boundaries'<sup>20</sup> or 'deterritorialization of migration control'.<sup>21</sup> They consider this phenomenon as embedded in a broader process of transferal of border control from the nation-state to external actors – in a constant redefinition of old boundaries and creation of new ones.<sup>22</sup>

The second strand explores externalization through the lenses of the 'securitization of migration control'.<sup>23</sup> Securitization is the process through which an issue is constructed as a matter of security and as something that needs to be treated with extraordinary measures.<sup>24</sup> With migration being discursively constructed as a security threat,<sup>25</sup> the 'ED' of common migration policies is analytically considered as the result of the entrance of migration into the security agenda of the EU.<sup>26</sup> At the same time, the securitization of migration gradually spills over the asylum domain, which becomes part of the call towards externalization by being framed as

<sup>16</sup> European Commission, *Agenda on Migration* (13 May 2015), <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52015DC0240&from=EN> (accessed 14 Jun. 2022).

<sup>17</sup> On this point see Goldner Lang, *supra* n. 3.

<sup>18</sup> European Commission, *Communication on Enhancing Cooperation With Third Countries* (10 Feb. 2021), <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52021DC0056&from=EN> (accessed 14 Jun. 2022).

<sup>19</sup> FitzGerald, *supra* n. 10.

<sup>20</sup> J. J. Rijpma & M. Cremona, *The Extra-Territorialisation of EU Migration Policies and the Rule of Law*, EUI LAW Working Paper No. 01 (2007); *Extraterritorial Immigration Control* (B. Ryan & V. Mitsilegas eds, Brill 2010).

<sup>21</sup> R. van Munster & S. Sterkx, *Governing Mobility: The Externalization of European Migration Policy and the Boundaries of the European Union*, in *European Research Reloaded: Cooperation and Europeanized States Integration Among Europeanized States* 229–250 (R. Holzhaacker & M. Haverland eds, Springer 2006).

<sup>22</sup> V. Guiraudon & G. Lahav, *A Reappraisal of the State Sovereignty Debate: The Case of Migration Control*, 33(2) *Comp. Pol. Stud.* 163–195 (2000); S. Lavenex, *Shifting Up and Out: The Foreign Policy of European Immigration Control*, 29(2) *West Eur. Pol.* 329–350 (2006); A. Geddes, *Borders, Territory and Migration in the European Union*, in *Of States, Rights, and Social Closure* 205–224 (O. Schmidtke et al. eds, Palgrave 2008).

<sup>23</sup> D. Bigo, *Migration and Security*, in *Controlling a New Migration World* 121–149 (V. Guiraudon & C. Joppke eds, Routledge 2001).

<sup>24</sup> Buzan, Wæver & de Wilde, *supra* n. 7.

<sup>25</sup> Huysmans, *supra* n. 8; S. Léonard, *EU Border Security and Migration into the European Union: FRONTEX and Securitisation Through Practices*, 19(2) *Eur. Sec.* 231–254 (2010).

<sup>26</sup> Boswell, *supra* n. 2.

a parallel migration route and as an alternative vehicle for migration by bogus asylum-seekers.<sup>27</sup> In this regard, as the EU security concept is redefined building upon the indivisibility of domestic and external aspects,<sup>28</sup> migration, asylum, security and the European border regime get inexorably entangled.<sup>29</sup> Fight against irregular migration is thus prioritized over social inclusion and legal mobility,<sup>30</sup> and the involvement of countries of origin and transit comes to stand as an extraordinary measure to guarantee border control and prevention of flows through practices of patrolling, containment, and border closures.<sup>31</sup> Externalization is therefore explored as a feature of the securitization of migration and asylum both in terms of discourses and practices.

Finally, the third strand of the literature is focused on the analysis of the EU toolbox of international cooperation on migration and asylum. Scholars try to make sense of how the EU has packed different policy components to manage immigration and asylum jointly with countries of origin and transit, the dynamic matrix of political and legal instruments, their content, key actors, and main features. The ED of EU MAP is thus explored by focusing on the wider spectrum of its many policy tools,<sup>32</sup> the way how they have evolved and adjusted to emerging challenges and crises,<sup>33</sup> the intersection of different policy universes and venues of cooperation.<sup>34</sup> Moreover, attention is paid on the EU's attempts to integrate non-Member States' interests into its policy agenda as well as the crucial role of third countries' actors in making the ED of EU MAP work.<sup>35</sup>

<sup>27</sup> S. Léonard & C. Kaunert, *De-centring the Securitisation of Asylum and Migration in the European Union: Securitisation, Vulnerability and the Role of Turkey*, 27(2) *Mediterranean Pol.* 148–169 (2022).

<sup>28</sup> Longo, *supra* n. 5.

<sup>29</sup> S. Hesse & B. Kasperek, *Under Control? Or Border (as) Conflict: Reflections on the European Border Regime*, 5(3) *Soc. Inclusion* 58–68 (2017).

<sup>30</sup> F. Trauner & H. Carrapico, *The External Dimension of EU Justice and Home Affairs After the Lisbon Treaty: Analysing the Dynamics of Expansion and Diversification*, 17 *Eur. Foreign Aff. Rev.* 1–18 (2017).

<sup>31</sup> B. O. Martins & M. Strange, *Rethinking EU External Migration Policy: Contestation and Critique*, 5(3) *Global Aff.* 195–202 (2019); Panebianco, *supra* n. 10; I. Fontana, *The EU and the Politics of Migration in the Mediterranean: From Crisis Management to Management in Crisis*, in *Border Crises and Human Mobility in the Mediterranean Global South* 91–118 (S. Panebianco ed., Palgrave 2022).

<sup>32</sup> S. Wolff, *The Politics of Negotiating EU Readmission Agreements: Insights from Morocco and Turkey*, 16(1) *Eur. J. Migration & L.* 1–18 (2014); S. Carrera, R. Radescu & N. Reslow, *EU External Migration Policies. A Preliminary Mapping of the Instruments, the Actors and Their Priorities*, EURA-net project (2015); N. Reslow, *Not Everything that Counts Can Be Counted: Assessing 'Success' of EU External Migration Policy*, 55(6) *Int'l Migration* 156–169 (2017).

<sup>33</sup> N. Koenig, *The EU's External Migration Policy. Towards Win-Win Partnerships*, Jacques Delors Institute, Policy Paper 190 (2017).

<sup>34</sup> S. Carrera et al., *EU External Migration Policies in an Era of Global Mobilities: Intersecting Policy Universes* (Brill 2018); Carrera, Santos Vara & Strik, *supra* n. 4.

<sup>35</sup> N. Reslow & M. Vink, *Three-Level Games in EU External Migration Policy: Negotiating Mobility Partnerships in West Africa*, 53(4) *J. Com. Mkt. Stud.* 857–874 (2014); F. Zardo & C. Loschi, *EU-Algeria (non)Cooperation on Migration: A Tale of Two Fortresses*, 27(2) *Mediterranean Pol.* 148–159 (2022); D. Wunderlich, *Towards Coherence of EU External Migration Policy? Implementing a Complex Policy*, 51(6) *Int'l Migration* 26–40 (2013).

This article situates itself at the crossroads of the second and third strand. It aims to cross securitization approach with policy tools analysis in order to explore the role played by the ED policy tools as reinforcing the securitization of migration and asylum within, at, and across EU borders. According to Balzacq,<sup>36</sup> shifting the study of securitization away from discourses and towards policy tools ‘as the empirical referents of policy’ enables to delve into securitization practices. In public policy studies, policy tools or instruments are one of the key elements that make a policy. They receive special consideration because ‘they comprise the contents of the toolbox from which governments must choose in building or creating public policies’<sup>37</sup> and are thus identified as ‘the techniques of governing that help define and achieve policy goals’.<sup>38</sup> The missing link between public policy studies and securitization lies in the fact that, if an issue is constructed as a matter of security, the ensuing policy will trigger extraordinary means and instruments to address the problem in security terms. In this sense, as argued by Balzacq,<sup>39</sup> the tools that respond to a logic of securitization are in fact ‘built to curb an accepted threatening entity’, and they ‘embody a specific image of the threat’ as well as ‘what ought to be done about it’. Moreover, he argues that a focus on instruments is useful to capture potential variations in securitization processes both in scope (e.g., a new threat is identified) and scale (e.g., a specific threat is intensified).

Therefore, building upon the work of Balzacq,<sup>40</sup> we move from the assumption that the analysis of policy tools as the empirical referents of the EU’s MAP can improve our understanding of the ED as a case of securitization for two main reasons. First, a tool approach to the externalization of migration policies is a helpful method to better delve into the dynamics of securitizing practices in migration governance. More specifically, turning the spotlight on instruments allows to: (1) map the many tools that substantiate the ED; (2) understand which, and how many, of these tools reflect practices of securitization; (3) take stock of the ‘geographical spread’ of EU’s securitization practices, namely how the ED tools which respond to a logic of securitization are distributed; and whether they are concentrated only in a specific area – for instance at the immediate periphery of the EU borders – or not.

Second, focusing on the ED’s policy tools allows to account for any transformation, both in scope and scale, of the ED of EU MAP as a function of

<sup>36</sup> Balzacq, *supra* n. 11, at 76–80.

<sup>37</sup> M. Howlett, *Policy Design: What, Who, How and Why*, in *L’instrumentation de l’action publique: controverses, résistances, effets* 281–315 (C. Halpern, P. Lascoumes & P. Le Galès eds, Presses de Sciences Po 2014).

<sup>38</sup> A. S. Bali, M. Howlett, J. M. Lewis & M. Ramesh, *Procedural Policy Tools in Theory and Practice*, 40(3) *Pol’y & Soc’y* 295–311 (2021).

<sup>39</sup> Balzacq, *supra* n. 11.

<sup>40</sup> *Ibid.*

securitization dynamics. To put it differently, if the ED tools respond to a logic of securitization of migration, how have they evolved across time in content, type and number of non-EU countries being involved? Whereas scholars delve into the nexus between security, migration management and foreign affairs, practices of securitization such as border control, prevention of mobility and burden-shifting towards countries of transit and origin are mostly assumed as a constant feature that is ‘always there’ and that permanently characterizes the externalization of EU MAP. Yet, this perspective might neglect any change which might occur in the ED in both scope and scale. A tool approach is therefore helpful to grasp these potential evolving dynamics.

The next section defines policy instruments and proposes a typology of the tools which make up the EU toolbox of externalization.

### 3 THE EU TOOLBOX OF EXTERNALIZATION

From the early 2000s, the EU has developed a convoluted toolbox of instruments to tackle the compounded dimensions of the migration phenomenon and engage third countries’ cooperation on the management of migration, borders, and asylum. The Global Approach to Migration and Mobility (2005) already set a wide range of political, legal, and financial tools – such as bilateral and multilateral dialogues, readmission, and visa facilitation agreements (VFAs). In light of migration crises at the EU borders, the toolkit was readjusted to include a renewed focus on bilateral migration partnerships and deals<sup>41</sup>; give a new impetus to old instruments; and take up evolving complexities.

The analysis of policy ‘toolboxes’ has gained a growing theoretical and empirical relevance due to its focus on the role of policy instruments, how they are arrayed in a mix or bundle and how they relate to each other when combined.<sup>42</sup> In the case of the ED, previous works have already provided interesting categorizations of the many instruments that compose the ED of EU policies on migration and asylum.<sup>43</sup> This article develops a new typology which makes the effort to go beyond broader formal classifications (e.g., the universe of legal instruments, of political tools etc.), while trying to identify the specific types of instruments which shape the ED and understand their role in the securitization of migration.

In order to grasp this ‘policy toolbox dimension’, we move from traditional definitions of policy tools that we intend as the very instruments shaping the EU ED and helping achieve its policy goals. Therefore, we understand instruments and

<sup>41</sup> Koenig, *supra* n. 33.

<sup>42</sup> G. Capano & M. Howlett, *The Knowns and Unknowns of Policy Instrument Analysis: Policy Tools and the Current Research Agenda on Policy Mixes*, 10(1) Sage Open (2020).

<sup>43</sup> Carrera, Radescu & Reslow, *supra* n. 32; Carrera, Santos Vara & Strik, *supra* n. 4.

policy tools as synonyms for the many potential types of means that compose the ED toolbox and that are conducive to achieve the objectives of EU migration policies abroad.<sup>44</sup>

Overall, building on the analysis of secondary literature and EU documents, we have identified a variegated toolbox of thirteen specific elements (Fig. 1), which in our opinion stand as the key instruments of the ED, ranging from binding and formal agreements to soft or even informal tools.<sup>45</sup>

*Figure 1 The EU Toolbox of Externalization*

- 1) Migration dialogues (both regional and bilateral),
- 2) Mobility Partnerships (MPs),
- 3) Common Agendas on Migration and Mobility (CAMMs),
- 4) EU Readmission Agreements (EURAs),
- 5) Informal EU Readmission Arrangements (IEURAs)
- 6) Visa Facilitation Agreements (VFAs),
- 7) Visa Liberalization (VL)
- 8) Migration clauses in broader legal agreements (Association Agreements, Cooperation Agreements)
- 9) Regional Protection Programmes (RPPs) and Regional Development and Protection Programmes (RDPPs)
- 10) Frontex arrangements
- 11) EASO arrangements
- 12) Bilateral Agreements (BA) (e.g., Strategic plans, common strategies, ENP Action Plans, Privileged Partnerships and other bilateral political agreements)
- 13) Migration related issue in Common Security Defence Policy (CSDP) operations

*Source:* Authors' own elaboration

<sup>44</sup> Other scholarships in the field identify 'policy tools' as a specific category of instruments composing the EU external migration policy. In this interpretation, policy tools are intended as those tools with a political or policy (soft) nature and therefore different from legal instruments, *see* Carrera, Radescu & Reslow, *supra* n. 32, at 20. In our understanding, instead, instruments that have a political nature and instruments that have a legal nature are both considered 'policy tools' –albeit of different type.

<sup>45</sup> Please note that while financial instruments are playing a key role in the ED of migration policies, in our typology we decided not to focus on financial tools for two main reasons. First, we believe that exactly because of its importance, the financial dimension of the ED deserves a separated detailed analysis. Second, our primary focus is to map the tools which substantiate the ED and that then are financed through specific financial instruments and programs. For an overview of financial instruments, *see* Goldner Lang, *supra* n. 3; L. den Hertog, *Money Talks: Mapping the Funding for EU External Migration Policy*, CEPS Paper in Liberty and Security in Europe No. 95, Centre for European Policy Studies, 1–56 (2016).

In the domain of formal legally binding tools, we can distinguish EU Readmission Agreements (EURAs), VFAs and migration clauses in other legal agreements.

EURAs set out clear obligations and procedures for the readmission and return of irregular migrants back to their country of origin, or to the country they transited through on their way to Europe.<sup>46</sup> While based on reciprocity, EURAs are considered the ‘oldest instruments employed by Member States to control migratory flows’<sup>47</sup> and already in 1992 the European Council of Edinburgh recognized the importance of working ‘for bilateral or multilateral agreements with countries of origin or transit to ensure that illegal immigrants can be returned to their home countries’.<sup>48</sup> Since then, the conclusion of agreements and the enhancement of cooperation on readmission and return with non-EU countries have emerged as an essential instrument to fight against irregular migration through expulsions and repatriation.<sup>49</sup> The importance of this tool has recently been reconfirmed by the European Commission,<sup>50</sup> who stressed the need to step up cooperation on readmission and develop a fully fledged return system as part of a fair, effective, and comprehensive migration policy.

VFAs are agreements that aim at facilitating procedures for issuing visas, thereby easing the tight EU visa regime with those non-EU countries who sign these agreements.<sup>51</sup> VFAs stand as a key tool of the ED of EU migration policies insofar as visa facilitation is generally offered to third countries as an incentive for the conclusions of EURAs. Readmission and visa facilitation are therefore normally presented as a single package, thereby coupling the negotiation of EURAs to the incentive of VFAs and transforming visa facilitation as a further tool to externalize a restrictive migration policy.<sup>52</sup> In this regard, the prospect of Visa Liberalization (VL) – i.e., the possibility to enter the Schengen area without a visa

<sup>46</sup> EURAs generally include obligations for a non-EU country to readmit both own nationals and third-country nationals illegally and directly entering the territory of a Member State after having stayed on, or transited through, the territory of the non-EU country signatory of the readmission agreement.

<sup>47</sup> A. Roig & T. Huddleston, *EC Readmission Agreements: A Re-evaluation of the Political Impasse*, 9 Eur. J. Migration & L. 363–387 (2007).

<sup>48</sup> European Council, *Conclusions*, Edinburgh (11–12 Dec. 1992), [https://www.consilium.europa.eu/media/20492/1992\\_december\\_-\\_edinburgh\\_eng.pdf](https://www.consilium.europa.eu/media/20492/1992_december_-_edinburgh_eng.pdf) (accessed 14 Jun. 2022).

<sup>49</sup> M. Panizzon, *Readmission Agreements of EU Member States: A Case for EU Subsidiarity or Dualism?*, 31(4) Refugee Surv. Q. 101–133 (2012); S. Carrera, *Implementation of EU Readmission Agreements. Identity, Determination, Dilemmas and the Blurring of Rights* (Springer 2019).

<sup>50</sup> European Commission, *supra* n. 18.

<sup>51</sup> F. Trauner & I. Kruse, *EC Visa Facilitation and Readmission Agreements: Implementing a New EU Security Approach in the Neighbourhood*, 290 CEPS Working Document (Apr. 2008).

<sup>52</sup> *Ibid.*; R. i Sagrera Hernández, *The Impact of Visa Liberalisation in Eastern Partnership Countries, Russia and Turkey on Trans-border Mobility*, CEPS Liberty and Security in Europe No. 63 (Mar. 2014).



for up ninety days – is also to be intended as an additional tool and as an even stronger incentive to engage third countries in migration management.<sup>53</sup>

Finally, for migration clauses in broader legal agreements we refer to those formal agreements – such as Association and Cooperation Agreements – that are crosscutting in nature and that embed, among the other things, formal clauses of readmission and return. This tool is not new and, already in Tampere, the European Council<sup>54</sup> was inviting the Council to include standard clauses on return and readmission in other agreements between the European Community and relevant third countries or groups of countries.<sup>55</sup>

The other tools of the toolbox are mainly political or operative, non-binding in nature. Bilateral and multilateral migration dialogues are instruments which offer a framework for consultation, discussion, cooperation, and information-exchange about technical and political questions between the EU and third countries. They can be multilateral, thereby providing a forum for countries of origin, transit, and destination – such as the Rabat or the Khartoum processes; or bilateral – such as high-level dialogues on migration between the EU and a third country. Similarly, for Bilateral Agreements (BAs) we intend the diversity of soft political bilateral documents – such as Special/Privileged Partnerships, Common Strategies, Strategic plans etc. – that enshrine cooperation on migration issues among key goals.

Established as key tools within the Global Approach to Migration and Mobility,<sup>56</sup> Mobility Partnerships (MPs) and Common Agendas on Migration and Mobility (CAMMs) are flexible and formally non-binding joint political declarations establishing mutual goals, targets, and commitments. The concept of MP was first introduced by the European Commission in 2007 and based on the central idea of legal migration opportunities being offered to non-EU countries in return for their cooperation on preventing irregular migration.<sup>57</sup> MPs brings together various projects covering mobility, legal and circular migration, asylum and international protection, visa facilitation, cooperation on readmission, fight against irregular migration, development and human rights.<sup>58</sup> While MPs are more

<sup>53</sup> L. Laube, *The Relational Dimension of Externalizing Border Control: Selective Visa Policies in Migration and Border Diplomacy*, 7(29) *Comp. Migration Stud.* 1–22 (2019).

<sup>54</sup> European Council, *Conclusions*, Tampere (15–16 Oct. 1999).

<sup>55</sup> For instance, the Cotonou Agreement between the EU and ACP countries includes a readmission clause in its Art. 13.5 (c), by specifying that both the EU Member States and the ACP countries agree to accept the return of and readmission of any of their nationals who are illegally present on the territory of the other party.

<sup>56</sup> European Commission, *Global Approach to Migration and Mobility* (18 Nov. 2011), <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52011DC0743&from=EN> (accessed 14 Jun. 2022).

<sup>57</sup> N. Reslow, *EU 'Mobility' Partnerships: An Initial Assessment of Implementation Dynamics*, 2(3) *Pol. & Governance* (2015).

<sup>58</sup> *Ibid.*; S. Brocza & K. Paulhart, *EU Mobility Partnerships: A Smart Instrument for the Externalization of Migration Control*, 3(15) *Eur. J. Futures Res.* 1–7 (2015); T. Maroukis & A. Triandafyllidou, *Mobility*



advanced frameworks of bilateral cooperation on a wide range of interwoven issues, CAMMs are less engaging frameworks set when one side is not ready to enter into a full sets of commitments.<sup>59</sup> They provide a basis to launch dialogue and cooperation on migration and could be ‘upgraded’ to MPs at a later stage.

Among political instruments, the informal side of the toolbox includes Informal EU Return Arrangements (IEURAs) that, since the 2015 refugee crisis, have emerged as a new critical feature of the ED of EU MAPs. If return has traditionally been managed through formal binding agreements, over the past few years cooperation on readmission has recorded an informal turn.<sup>60</sup> This refers to the proliferation of non-binding readmission pacts, memoranda of understanding and arrangements that take the shape of ‘Good Practices’ or ‘Joint Ways Forward’ and that provide alternative patterns of readmission cooperation with migrant countries of origin – without the formalization of proper agreements.<sup>61</sup>

Finally, our toolbox includes three types of operative tools. The first are FRONTEX Working Arrangements. According to FRONTEX Regulation,<sup>62</sup> the agency can establish relationships with third countries through ‘arrangements’, i.e., operative agreements that permit cooperation with border and security authorities in a partner country, in terms of capacity-building, training and border management. First launched in the early 2000s in the eastern neighbourhood, this instrument has involved a growing number of third countries in recent years.

The second operative tools are Common Security Defence Policy (CSDP) missions. While they are mainly devoted to conflict prevention or resolution and migration control is not legally one of their tasks, since the refugee crisis of 2015 CSDP missions have been increasingly deployed for the puoses of European border and migration control, fight against irregular migration, human smuggling and trafficking.<sup>63</sup> In this regard, CSDP missions have entered the ED policy toolbox.

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*Partnerships: A Convincing Tool for the EU's Global Approach to Migration?*, 76 Policy Paper Notre Europe Institute (2013).

<sup>59</sup> European Commission, *supra* n. 56.

<sup>60</sup> J. Slagter, *An ‘Informal’ Turn in the European Union’s Migrant Returns Policy Towards Sub-Saharan Africa*, Migration Policy Center (10 Jan. 2019).

<sup>61</sup> J. P. Cassarino, *Informalising Readmission Agreements in the EU Neighbourhood*, 42(2) *Int’l Spectator* 179–196 (2007); K. Eisele, *The EU’s Readmission Policy: Of Agreements and Arrangements*, in *Constitutionalising the External Dimensions of EU Migration Policies in Times of Crisis* 135–154 (S. Carrera, J. Santos Vara & T. Strick eds, Elgar 2019).

<sup>62</sup> Frontex Regulation, *supra* n. 13, Arts 13, 14(2).

<sup>63</sup> A. Bendick & R. Bossong, *Shifting Boundaries of the EU’s Foreign and Security Policy*, SWP Research Paper 2019/RP 12 (25 Sep. 2019).

Finally, the third type of operative instruments are those focused on asylum and international protection as another key dimension of EU external migration policies. They include: Regional Protection Programmes (RPPs), Regional Development and Protection Programmes (RDPPs) and EASO Arrangements. RPPs and RDPPs are initiatives to reinforce the protection and reception conditions of refugees in countries that host a high number or face significant flows of refugees. Along with protection, RDPPs integrate the development needs of refugees and of the local population. EASO arrangements are working tools that establish cooperation frameworks with third countries, in terms of Roadmaps to strengthen a country's national administration in the area of asylum and reception of asylum-seekers.

The identification of different categories of policy instruments provides a starting point for mapping and classifying the policy tools that make up the ED of the EU's MAP. Moving from this typology, we consider as responding to a logic of securitization all those elements of the toolbox that address migration as an accepted threatening entity. Therefore, the ED instruments which prioritize border control, return and repatriation, prevention of irregular migratory flows, and fight against human smuggling are all considered as cases of securitization. The next step is to combine the 'policy toolbox dimension' with the 'geographical dimension' and take stock of the geographical distribution of practices of securitization by mapping the number of the ED tools which reflect a logic of securitization and the patterns through which they are spread across borders.

#### 4 METHODOLOGY: MAPPING THE ED

The empirical methodology relied on twelve months of intense desk-based research and data gathering.

First, as already mentioned, second literature review and analysis of EU documents were conducive to the identification of the toolbox typology. Second, through an in-depth documentary analysis, we collected data on the existing ED tools. To this end, we constructed an extensive dataset containing 138 bilateral and thirteen multilateral tools<sup>64</sup> with forty-eight non-EU countries across five different geographical areas (Fig. 2).

<sup>64</sup> Thirteen refers to the total number of existing multilateral tools uniquely considered within the sample. This number corresponds instead to seventy-four observations in the dataset, if we enter the multilateral tool multiple times for each of the countries involved (e.g., the Cotonou Agreement is one single Agreement but it corresponds to fourteen observations, since fourteen are the investigated countries that are parties to the agreement).

*Figure 2 Dataset on the EU's Externalization Toolbox: Countries and Geographical Areas Analysed*

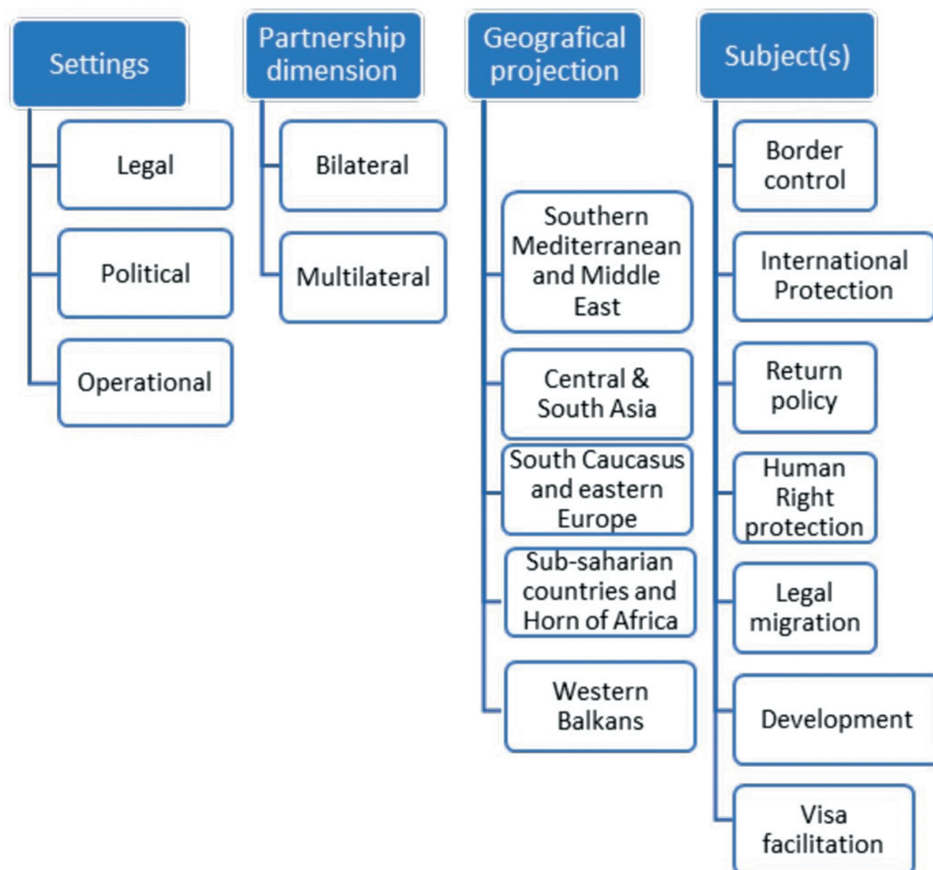


*Source:* authors' own elaboration

Data on the ED policy tools were arranged and classified in the database according to:

- the toolbox's typology (EURAs; IEURAs; VFAs; Frontex Arrangements etc.)
- the categories identified in the taxonomy illustrated in Fig. 3. These include the 'setting' of the tool, i.e., whether it is legal, political, or operational; the bilateral or multilateral dimension of the instrument; the geographical projection, i.e., mapping tools per country/geographical area; and the tools' main subject or focus areas (border control, international protection, legal mobility, return, visa etc.).

Figure 3 Taxonomic Table



Source: Authors' own elaboration

The data collection stems from a combination of secondary (literature review, EU website, EU documents) and primary sources (the text itself of the agreement/arrangement/tool). The former are needed to put together the entire historical path of migration cooperation between the EU and a specific third country. The latter are useful to analyse and review the underlying documents of a specific policy tool, with the purpose to properly locate it in the database according to type, setting, countries involved, and main goals.<sup>65</sup> In this regard, in

<sup>65</sup> Most of documents can be found online. In some cases, documents related to IEURAs were publicly unavailable. While our request for documentary access to the General Secretariat of the Council was denied, thanks to alternative sources we were still able to gather some documents related to IEURAs.

order to consider the presence (1) or absence (0) of a certain focus area, nominal data about subject areas were coded for every tool. This coding allows to grasp to extent to which ED instruments reproduce securitization dynamics, by observing the number of tools that display the value 1 in at least one of the following areas: ‘border control’ and ‘return policy’. Policy tools scoring 1 under the label ‘border control’ entail activities of border management, fight against human smuggling and trafficking, training of border guards, measures to prevent or curb migratory flows. Policy tools scoring 1 under the label ‘return policy’ imply activities in the domain of readmission, repatriation and return. At the same time, when improvement of asylum systems, refugees’ needs, promotion of the Geneva Convention and international standards of protection etc. are entailed, policy tools score 1 under the label ‘international protection’. Similarly, when mobility, legal channels and circular migration are entailed, policy tools score 1 under the label ‘Legal Migration’.

Overall, the dataset provides researchers with a comprehensive set of information for each ED policy instrument and permits either quantitative or qualitative analyses.<sup>66</sup>

Moreover, as mapping efforts are important methodological tools not only to collect and analyse data but also to present research findings and graphically illustrate concepts,<sup>67</sup> data collected in the database were transformed into a user-friendly, easily accessible, interactive open-source visual map via the link in the footnotes.<sup>68</sup> Through icons and filtering mechanisms,<sup>69</sup> the map provides an immediate snapshot of the ED and its main tools, allowing users to navigate the ED of MAP across countries and type of instruments. Moreover, as the map includes information on timings and dates for the adoption of each tool, users can easily know by simply clicking on each country when and what type of tools were adopted, thereby making sense of the potential evolution of the ED.

## 5 FINDINGS

### 5.1 A QUANTITATIVE MAPPING OF ED POLICY TOOLS: GENERAL OVERVIEW

If we look at the proportion of the different ED tools out of the total number (Fig. 4), three considerations can be made.

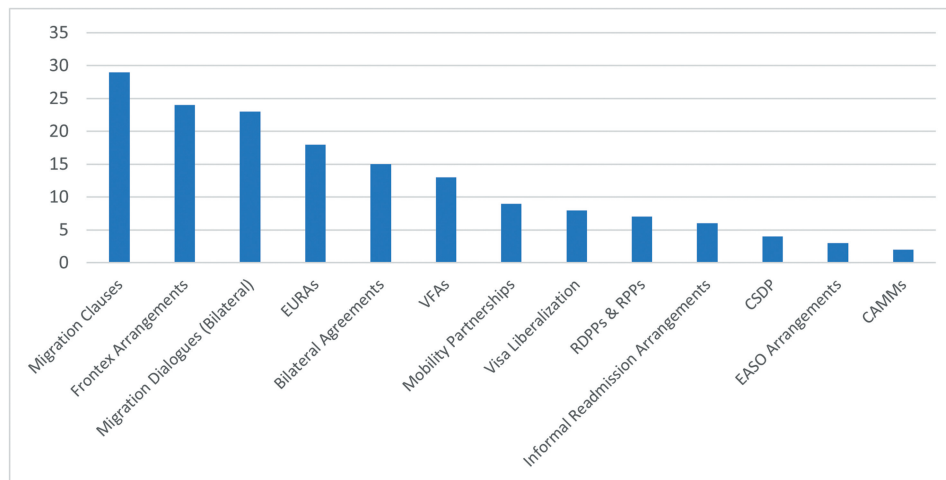
<sup>66</sup> The dataset is based at the University of Stuttgart. It will be made available to research milieus outside the PROTECT Consortium in spring 2023.

<sup>67</sup> S. Conceição, A. Samuel & S. M. Yelich Biniecki, *Using Concept Mapping as a Tool for Conducting Research: Ananalysis of Three Approaches*, 3(1) Cogent Soc. Sci. 1–18 (2017).

<sup>68</sup> [https://umap.openstreetmap.fr/en/map/eu-external-migration-policy-tools\\_\\_783920](https://umap.openstreetmap.fr/en/map/eu-external-migration-policy-tools__783920)

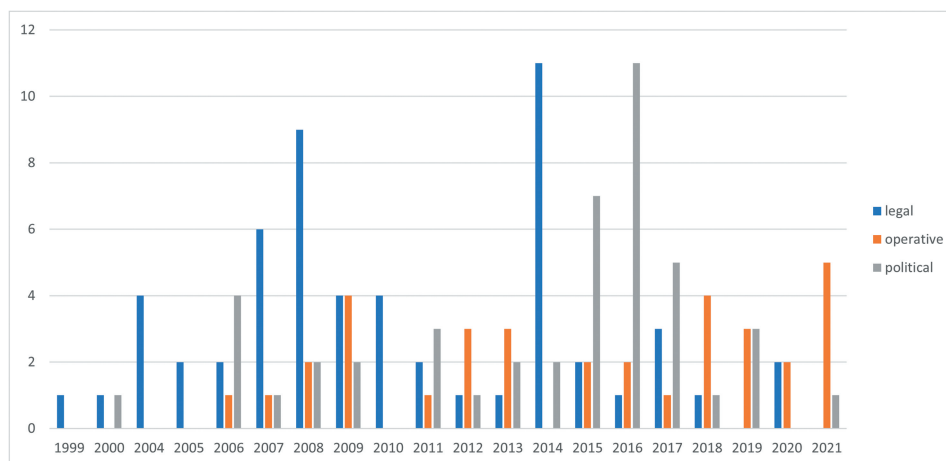
<sup>69</sup> The last icon in the left part of the screen allows to ‘filter’ icons and levels: return, border control, visa, MPs, CAMMs, etc. For more info see ANNEX 1 at the end of the article.

Figure 4.1 *The ED of EU Migration Policies: Number and Types of Detected Tools*



Source: Authors' own elaboration

Figure 4.2 *The ED of EU Migration Policies: Chronological Evolution by Types of Detected Tools*



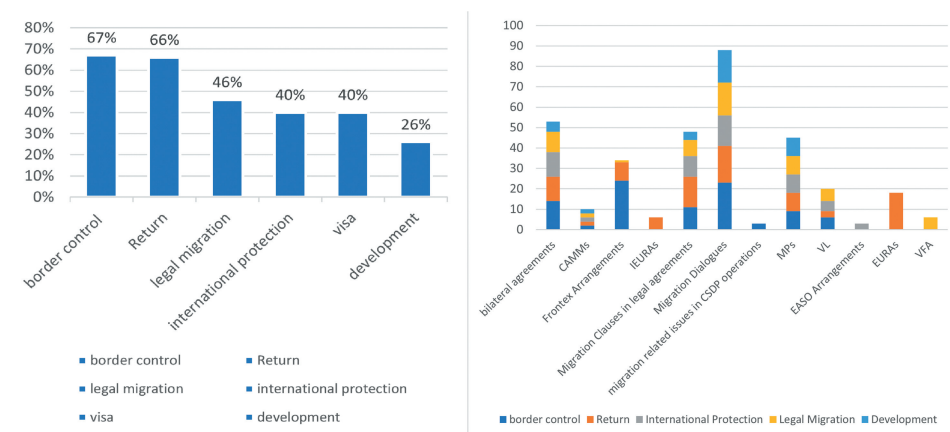
First, political and operative tools prevail over formal legally binding instruments. Frontex arrangements, migration dialogues, and bilateral political agreements (in the form of special partnerships, common strategies, compacts etc.) are the most

common type. Among formal instruments, migration clauses in broader legal agreements engage third countries' cooperation at both bilateral (sixteen countries) and multilateral level (thirteen countries). Interestingly, there is an evident gap between EURAs and VFAs. Whereas visas are generally offered as a bargaining chip to secure a readmission agreement, the data clearly show an imbalance in this sense with EURAs not being always matched by the incentive of legal mobility.

Second, the predominance of political and operative tools over legal tools has increased in recent years. This is related to the growing relevance of informal readmission agreements, to the diversification of migration dialogues with new third countries and to a shift in CSDP politics, with more operations tackling migration.<sup>70</sup>

Third, independently of their formal/informal, legal, operative, or political nature, most of the investigated ED tools are focused on border management and control, return and readmission, fight against human smuggling. Only a very limited number of tools deals with international protection, asylum, and legal mobility. Border control related activities feature not only – and quite predictably – in Frontex Arrangements and CSDP operations, but also in fourteen BAs and in at least twenty-three bilateral migration dialogues.

*Figure 5 ED' Subject Areas (Percentage of the 'Presence' of Each Area Out of the Total Sample of ED Bilateral Tools) and Distribution of Subject Areas per Type of Tool*



Source: Authors' own elaboration

<sup>70</sup> EUCAP Sahel Niger; EUBAM Libya or EUNAVFORMED are some examples.

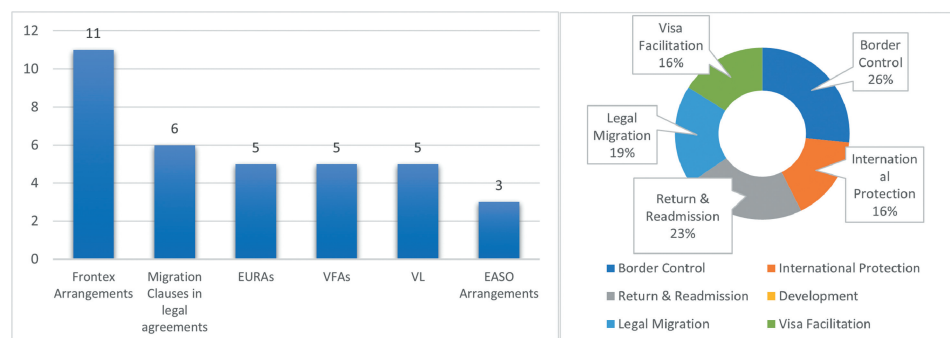


## 5.2 MAPPING THE ED'S GEOGRAPHICAL DIMENSION

If we look at the geographical distribution of the ED tools, characteristics vary across regions in terms of settings and inherent configurations of policy mixes. Yet, beyond the variable geometries of formal/informal, legal/political/operative tools across countries, the ED's toolbox seems to display a certain geographical continuity in terms of main subject areas.

In the immediate EU borderlands, across Western Balkans (Fig 6), besides FRONTEX and EASO Arrangements, most of the tools are formal and embedded into a binding and 'constraining' cooperation framework where there is no room for informal cooperation. This is not surprising if one considers Western Balkans as candidate countries who are part of the EU Enlargement Policy and its hierarchical modes of governance based upon control and transfer of predetermined, non-negotiable rules.<sup>71</sup> Overall, 'border control' and 'return' feature respectively in 26% and 23% of the ED tools in the area, representing the prevailing subject if compared to legal migration (19%), visa (16%) and asylum (16%).

Figure 6 The ED of EU Migration Policies in the Western Balkans



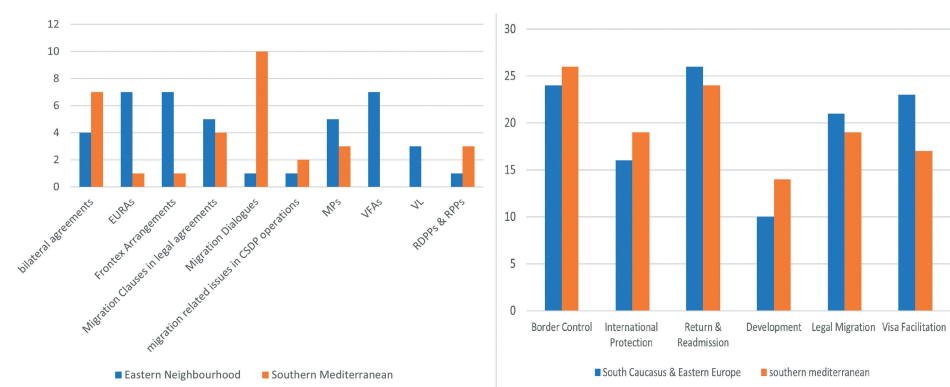
Source: Authors' elaboration

In the broader eastern and southern neighbourhood, the ED continues to display a variegated set of tools (Fig. 7). In South Caucasus and Eastern European countries, the ED is shaped by a mixture of formal legal tools (migration clauses, VFAs and EURAs) and bilateral political agreements, for a medium-tight formal and informal framework of cooperation. By contrast, in

<sup>71</sup> S. Lavenex, *A Governance Perspective on the European Neighbourhood Policy: Integration Beyond Conditionality?*, 15(6) J. Eur. Pub. Pol'y 938–955 (2008).

the Southern Mediterranean, bilateral political arrangements and migration dialogues prevail over formal legal cooperation embedded in the migration clauses of the bilateral Association Agreements. In this sense, externalization in the context of the European Neighbourhood Policy (ENP) displays mixed modes of cooperation, which reflects the different patterns of relations across the Eastern and Southern dimensions of the ENP. However, while different in terms of settings and mix of tools, the two borderlands exhibit the same trend in terms of tools' subject areas: border control and return and readmission feature in most instruments. Similarly, international protection and development are the least represented areas.

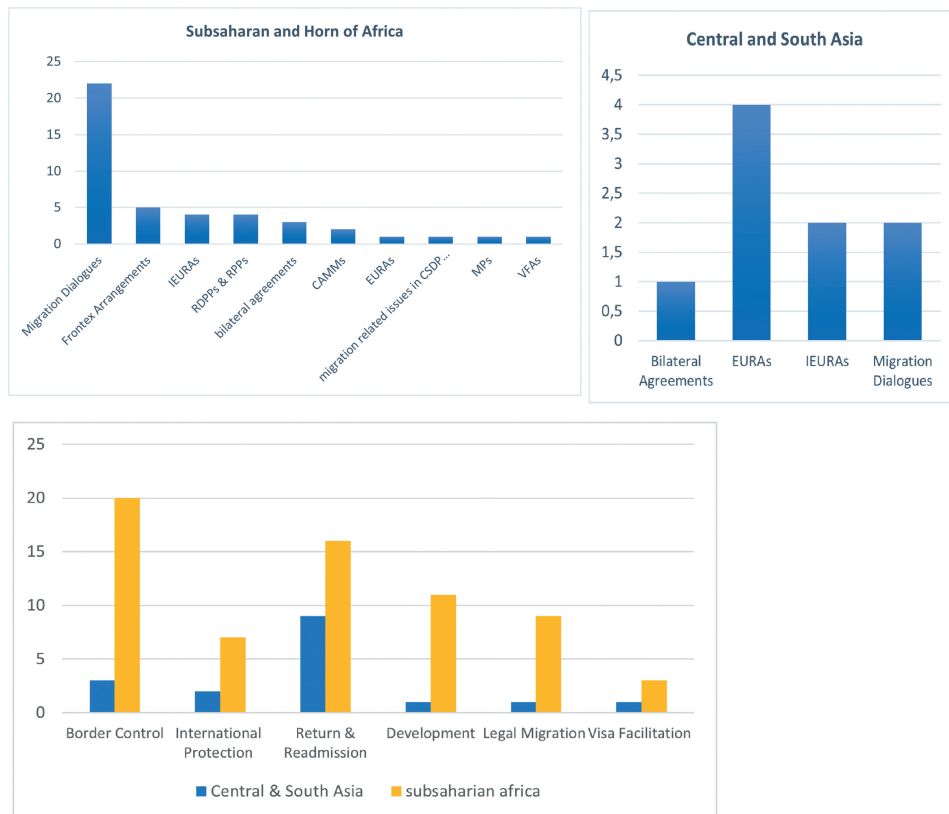
*Figure 7 The ED of EU Migration Policies in the Eastern Neighbourhood and Southern Mediterranean*



Source: Authors' elaboration

If we push EU de facto borders further, southwards to Sub-Saharan and the Horn of Africa, and eastwards to Central and South Asia, the ED policy mix shows other features (Fig. 8). In Sub-Saharan Africa and in the Horn of Africa, the ED is dominated by the domain of informality and non-legally binding policy tools, in terms of migration dialogues, Frontex arrangements and IEURAs. While a return migration clause is currently binding all the thirteen considered countries, yet this is only part of the Cotonou Agreement's multilateral framework and no formal bilateral migration clauses currently exist. Moreover, border control and return are markedly the prevailing subject areas with these countries. In Central and South Asia, the policy toolbox does not exhibit the same diversity of tools. Yet, like sub-Saharan Africa, return through both formal and informal tools stands as the main area of cooperation.

Figure 8 The ED of EU Migration Policies in Sub-Saharan and the Horn of Africa, and in Central and South Asia



Source: Authors' elaboration

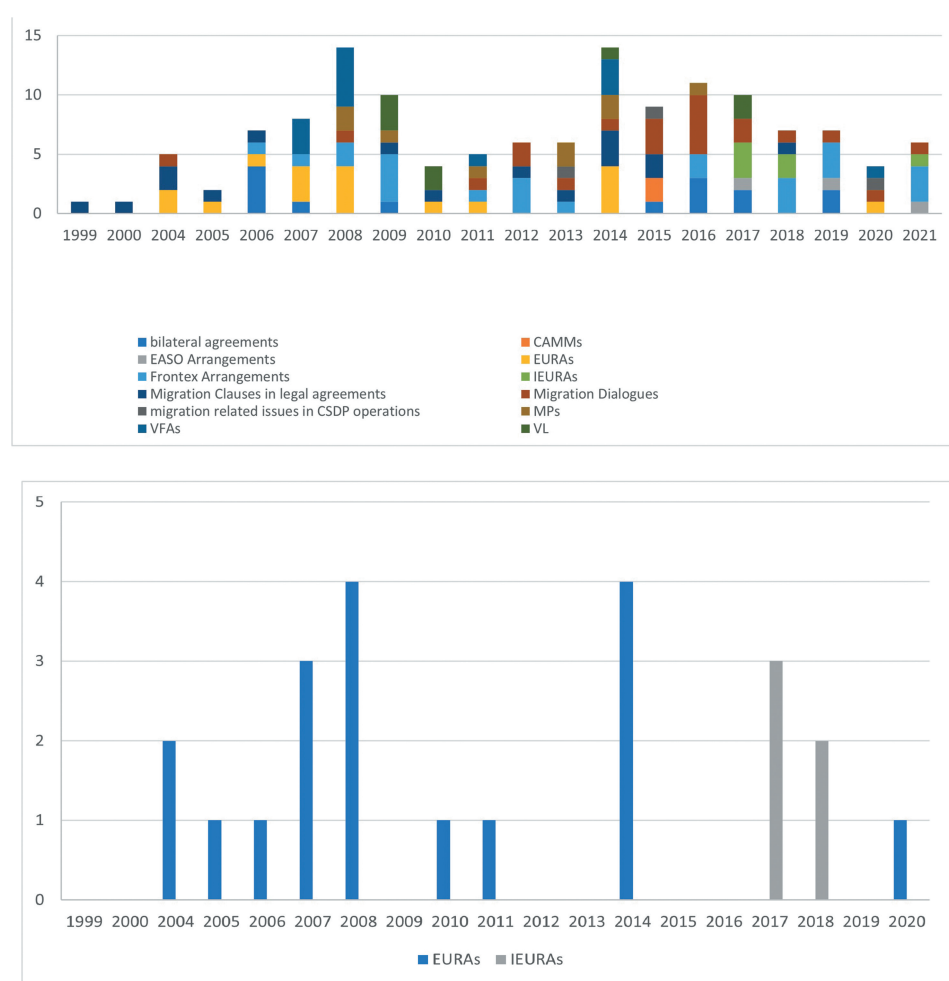
### 5.3 MAPPING THE TRANSFORMATION OF ED. A CASE OF STABLE OR EVOLVING SECURITIZATION?

The mapping exercise takes stock of the many tools of the ED MAPs, in terms of types and geographical distribution. Moreover, it shows that most of the adopted policy tools reflect practices of securitization of migration which spread across all the EU immediate, neighbouring or distant borders. Yet, if most of the ED tools respond to a logic of securitization, have they evolved at all across time in terms of content, type and number of non-EU countries being involved?

Looking at the distribution of tools at both bilateral and multilateral level, it is evident that the ED of EU MAPs started to consolidate from the early 2000s onward.

While migration dialogues and migration clauses in legal agreements are the pioneers of MAP's ED, in the last twenty years the ED has significantly diversified its toolbox, with the concomitant use of different types of instruments. An exception is represented by IEURAs, that have emerged only in 2016 as an additional mean to tackle massive flows to Europe and that in the last couple of years have almost replaced EURAs as the main tool to secure cooperation on return (Fig. 9).

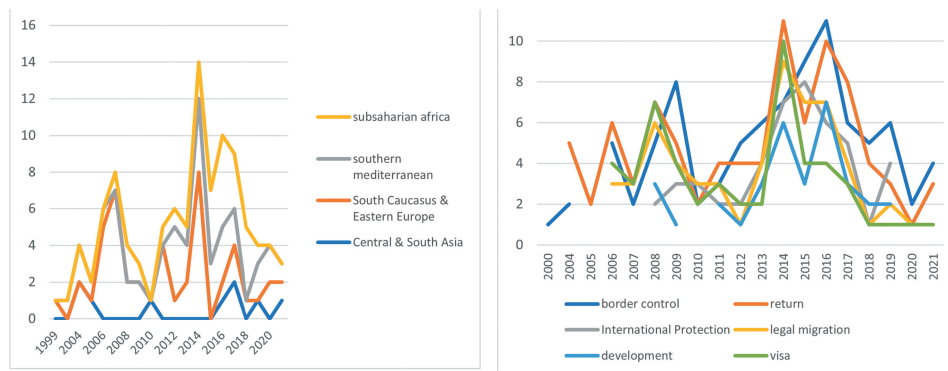
*Figure 9 The Evolution of the ED in Terms of Type of Tool*



Source: Authors' own

The diachronic analysis applied to the content of bilateral policy tools further confirms the findings of the previous paragraph. Return and border control are not only the very first focus areas, but their scale significantly increases in time, with a peak during the years of the migration crisis (Fig. 10) – when the spiralling of the securitization of migration saw a new acceleration.<sup>72</sup> Interestingly, the peak use of tools focused on return and border control as an indicator of securitization practices corresponds to a significant increase in the number of instruments adopted in cooperation with sub-Saharan Africa and southern Mediterranean countries. In the heat of the migration crisis, these emerged as critical regions being deeply entangled with discourses on the securitization of EU external borders.

Figure 10 ED's Bilateral Tools: Evolution of Subject Areas and Countries Involved



Source: Author's own elaboration

## 6 THE SPREADING OF SECURITIZATION ACROSS BORDERS: IMPLICATIONS FOR ASYLUM GOVERNANCE

The empirical analysis has shown that the EU MAPs have increasingly relied on external cooperation with third countries, multiplying types of tools and the number of countries involved. It has also revealed that most of ED policy tools entail a peculiar configuration skewed towards security. This is due to the convoluted combination of two different factors. On the one hand, our findings confirm existing arguments over the nature of EU migration governance.

<sup>72</sup> V. Bello, *The Spiralling of the Securitisation of Migration in the EU: From the Management of a 'Crisis' to a Governance of Human Mobility?*, 48(6) J. Ethnic Migration Stud. 1327–1344 (2022).

The construction of migration as a security issue inevitably results into policy tools where border control and return trump development, asylum, and legal mobility – thereby shaping migration governance more as a case of containment and less as a form of management of human mobility.<sup>73</sup> On the other hand, the ED as a case of securitization reflects the inherent complexity of EU MAPs, as an area embedded into an institutional landscape characterized by some interrelated anomalies. First, migration and asylum fall under the competences shared between the EU and the Member States. This results into a permanent tension between intergovernmental decision-making and supranational dynamics, which generates policy fragmentation and broad margins of discretion by the Member States who are therefore able to promote their preferred understanding of migration as a security threat.<sup>74</sup> The dominance of security in the ED tools should thus be viewed also in light of these internal constraints.

This institutional complexity of the MAP and the ED policy mix skewed towards security have implications in terms of the impact on asylum and international protection. The EU Treaties, from Amsterdam to Lisbon, grouped asylum, border control, migration, judicial and police cooperation all under the same chapter – which therefore included three very different policy areas<sup>75</sup>: (1) the policy on asylum and subsidiary protection; (2) the policy on border checks and control; (3) Migration policy. Whereas this was intended to develop a coherent MAP, the unification of asylum, migration and border control in a single chapter rather created a controversial approach, which resulted into a spill-over of the securitization of migration on the very domain of asylum. This produced not only a critical friction between normative goals of protection and security in the case of asylum policies.<sup>76</sup> It also turned into preventing people on the move, including asylum-seekers, from entering the EU territory.<sup>77</sup> The ED become therefore a key pillar for both migration asylum policies, with tools of migration control and externalization as a way to stem mixed flows of both migrants and asylum-seekers.

<sup>73</sup> Panebianco, *supra* n. 10; Fontana, *supra* n. 31; V. Moreno-Lax, *The EU Humanitarian Border and the Securitization of Human Rights: The 'Rescue-Through-Interdiction/Rescue-Without-Protection' Paradigm*, 56 J. Com. Mkt. Stud. 119–140 (2018); S. Léonard & C. Kaunert, *De-centring the Securitisation of Asylum and Migration in the European Union: Securitisation, Vulnerability and the Role of Turkey*, 27(3) Geopolitics 729–751 (2022).

<sup>74</sup> F. Longo, *La Politica di Immigrazione dell'Unione Europea tra Vecchie e Nuove Sfide*, in *Sulle Onde del Mediterraneo: Cambiamenti globali e risposte alla crisi migratoria* (S. Panebianco ed., Egea 2017); G. P. Jimenez, *Is It Possible to Develop a Common European Policy on Immigration and Asylum?*, IEMed Mediterranean YB (2019); Carrera et al., *supra* n. 34.

<sup>75</sup> Longo, *supra* n. 76.

<sup>76</sup> C. Kaunert, *Liberty Versus Security? EU Asylum Policy and the European Commission*, 5(2) J. Contemp. Eur. Res. 148–170 (2009); E. Guild, *Security and Migration in the 21st Century* (Cambridge Polity 2009).

<sup>77</sup> I. Fontana, *The Human Insecurity Trap: How European Bordering Practices Condemn Migrants to Vulnerability*, 59 Int'l Pol. 465–484 (2022).

The mapping of ED instruments confirms these dynamics. The gap between the number of security tools and the number of instruments focused on asylum across all the considered regions suggests that: (1) only a few tools refer to international protection, which is clearly downplayed; (2) the engagement of transit and origin countries mainly through enforcement measures and repatriation not only curb flows but permits a form of ‘refoulement through remote control’. This is the possibility for EU Member States to circumvent the prohibition of refoulement by devolving the responsibility for intercepting and preventing movements of asylum-seekers to countries of transit and origin.<sup>78</sup> In this sense, the ED policy mix implies the lowering of the standards of international protection and contributes to geographies of exclusion, with potential refugees being pushed back, returned, or contained in transit countries before they could reach the EU and lodge an asylum application.<sup>79</sup>

## 7 CONCLUSIONS

This article has shed new light on the ED of EU MAPs through the prism of policy tools. By mapping and analysing the complex mix of arrangements, instruments, and agreements it contributed with novel empirical insights to support the findings of previous scholarship on the ED as a case of securitization. Moreover, a rich database on ED tools and a highly informative visual map have been introduced as two new methodological resources that can support future research in the field, facilitating in-depth comparative case studies across countries and regions; as well as permitting to investigate political and legal patterns of cooperation between EU and third countries in the field of migration and asylum.

Through a quantitative mapping, the article made the effort to take stock of the ED of EU MAPs. The empirical findings suggest three main results. The first is that especially after the 2015 migration crisis, operative, political, and informal tools have prevailed over formal and legally binding instruments, in line with a general ‘informalization’ of EU migration policies. This is related to the increased use of informal readmission agreements; to the diversification of migration dialogues with new interlocutors in sub-Saharan Africa; to bilateral political agreements such the EU-Turkey Statement or the Partnership Frameworks with countries of origin; and to the redirection of the scope of CSDP politics, with more operations tackling migration. The second is that policy tools characterize the ED as a further feature of the securitization of migration, as embodied by the number of tools

<sup>78</sup> A. Pijnenburg, *Containment Instead of Refoulement: Shifting State Responsibility in the Age of Cooperative Migration Control?*, 20(2) Hum. Rts. L. Rev. 306–332 (2020).

<sup>79</sup> J. Hyndman & A. Mountz, *Another Brick in the Wall? Neo-Refoulement and the Externalization of Asylum by Australia and Europe*, 43(2) Gov’t & Opp’n 249–269 (2008).



aiming at securing European borders and trumping legal mobility and asylum. After the migration crisis, the scale of return and border control as key subject areas of the ED tools increased significantly. Third, the analysis showed that these security practices have not been limited to the EU immediate borderland but have rather spread across regions and frontiers and beyond physical borders at the EU periphery, with distant regions in Africa and Asia becoming the EU's new de facto frontiers.

Moving from these results, two considerations deserve attention. First, in the bundle of ED tools skewed towards security, 'international protection' as a subject area accounts only for 40% of the tools of the dataset, against the almost 70% of return and readmission. This makes the ED potentially able to imply a form of 'neo-refoulement', in the sense of a geographically based strategy of preventing the possibility of asylum through a bundle of security policies.<sup>80</sup> In this sense, the ED toolbox should be 'rebalanced', by increasing the number of tools that entail safe and legal channels such as humanitarian corridors and resettlement practices.

Second, the ED of EU MAPs gets closely entangled with EU foreign affairs and the different policy umbrellas that regulate EU relations with third countries. Western Balkans were incorporated into the EU's migration and border management regime through the structures and infrastructures of the enlargement policies,<sup>81</sup> which in turn shaped the ED mainly in terms of formal tools embedded into an encompassing cooperation framework. Similarly, in the context of the ENP, the different patterns of cooperation that traditionally distinguish Eastern and Southern members become mirrored in the ED's tools, in terms of variable geometries of formality and informality, legal and political nature. Finally, in geographical areas such as Sub-Saharan Africa, where consolidated policy frameworks are missing, the ED is marked by the shadow of informality. In this regard, whereas the linkage between migration management and foreign affairs is not new, our analysis speaks to EU foreign affairs scholarship and paves the way to further research on the nexus between the ED of EU MAPs and modes of governance, between hierarchy, market, networks.<sup>82</sup> Moreover, as our findings reveal, as the EU concludes more agreements focused on border control and security with an increasing number of countries, questions emerge on the role of migration as a bargaining chip influencing EU foreign affairs and transforming traditional relational patterns of power symmetries and asymmetries.

<sup>80</sup> *Ibid.*

<sup>81</sup> N. Neuman Stanivuković & N. Neuman, *Reading the EU's Migration and Security 'Crises' Through (South-)Eastern Europe*, 49(3) J. Eur. Stud. 374–393 (2019).

<sup>82</sup> S. Lavenex, D. Lehmkuhl & N. Witchmann, *Modes of External Governance: A Cross-National and Cross-Sectoral Comparison*, 16(6) J. Eur. Pub. Pol. 813–833 (2009).

## 8 ANNEX 1

## EU External Migration Policy tools

[https://umap.openstreetmap.fr/en/map/eu-external-migration-policy-tools\\_\\_783616](https://umap.openstreetmap.fr/en/map/eu-external-migration-policy-tools__783616)

Legend:

## Return Policy (Blue)



Migration Clauses in broader legal agreements



EURAs – Readmission Agreements



IEURAs – Informal Readmission Arrangements



Negotiations ongoing or suspended

## Visa Policy (Green)



VFAs – Visa Facilitation Agreements



VL – Visa Liberalization



Negotiations ongoing

## Asylum and International Protection (Pink)



Regional Protection Programmes (RPPs) and Regional Development and Protection Programmes (RDPPs)



EASO Arrangements



Other relevant info in the domain of asylum and international protection

Border Control and Management of irregular migration (Red)

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Migration related issue in Common Security Defence Policy (CSDP) operations



FRONTEX Working Arrangements



Other relevant info in the domain of border control

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MPs – Mobility Partnerships



CAMMs – Common Agendas on Migration and Mobility



Bilateral migration dialogues



Bilateral Political Agreements