

## THE EU MIGRATION CRISIS AND THE BALTIC SECURITY

Ažuolas Bagdonas  
Fatih University, Istanbul

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**ABSTRACT** The article provides a theoretically informed commentary on the ongoing migration crisis in Europe, and discusses its causes and the currently proposed solutions to it. Irregular migration to Europe is likely to remain on the agenda of the European Union for decades to come and, in order to avoid repetitive crises, further integration is needed in the European asylum system. The article suggests that the greatest threat to the security of the Baltic States comes not from irregular migration itself, but from the policy decisions that would fail to address the EU crisis caused by it.

### Introduction

This article seeks to provide an analysis of the ongoing migration crisis in Europe and assess its impact on the security of the Baltic States. The steep increase in the number of irregular migrants entering the European Union (EU) during the last two years led to a frantic search for solutions at both national and European levels, which has not yet been successful. The argument advanced in this article is that while the influx of irregular migrants and the increasing Mediterranean migrant death rate exacerbated the sense of a crisis, the crisis is not about migration as such but about the breakdown of the rules of the European asylum system due to internal contradictions, the incomplete nature of European

integration and the divergence of national interests. While most current measures to address the crisis are generally aimed at reducing the number of irregular migrants, migratory pressures on Europe are likely to increase in the future and a more permanent solution to the migration crisis will involve a rollback of European rules or further integration. The article argues that it is in the interests of the Baltic States to support integration.

The overall intention of the article is not to make a theoretical contribution to the study of migration or institutional reforms in Europe, but rather to provide a theoretically informed perspective for the ongoing political debates in the Baltic States. In pursuing this aim, the first section of the article provides a brief description of the crisis and an analysis of its causes. The following section gives a selective overview of internal and external measures by the European Union undertaken or proposed in relation to the crisis. The final section contains critical observations regarding the challenges that the migration crisis poses to the security of the states and societies in the Baltic States.

### **What is the crisis?**

According to the UN Refugee Agency (UNHCR 2015b), more than 820,000 irregular migrants arrived in the EU by sea in 2015, mostly to Greece (673,000) and Italy (142,000). The majority of these migrants came from Syria (52%), Afghanistan (19%), Iraq (6%), and Eritrea (5%), but the wave also included people from Pakistan, Somalia, Nigeria, Sudan, Gambia, and Mali. The number of irregular migrants in 2015 represents a fourfold increase in comparison to the previous year (216,000) and a thirteen-fold increase in comparison to 2013 (59,421). The majority of migrants chose not to stay in Greece or Italy and continued moving north, with Germany and Sweden being the preferred destinations (UNHCR 2015a).

The sudden influx of migrants, many of whom have a valid claim to international protection, exceeded the capacity of national institutions to cope with the situation and revealed inadequacies in the regional asylum system. At the regional level, the centrepiece of the Common European Asylum System (CEAS) is the so-called Dublin system, which established that the first EU state of entry is typically responsible for examining asylum applications and that asylum seekers will be returned to that state in case they settle somewhere else.<sup>1</sup> Essentially, the effect, if not the purpose, of this system was to lay down certain standards for dealing with migrants with a claim to international protection and transfer the responsibility and, to a large extent, the costs of dealing with them to the EU border states. This was designed to prevent asylum shopping, shield wealthy EU states from asylum seekers, and thereby enable the functioning of the Schengen area. However, the sheer number of irregular migrants during the last two years created difficulties in applying these European procedures and standards at the national level. For example, the Greek island of Lesbos, with a native population of 86,000 and a reception capacity of about 2,800, received over 350,000 migrants, at a rate of 3,300 per day during some periods in 2015. Under such circumstances, ensuring even basic standards (food, water, hygiene, medical treatment, and shelter) and applying normal procedures (registration, identification, translation, provision of information etc.) became challenging, if not impossible. Thus, the inability and, to a certain extent, unwillingness to deal with the influx at the national level, led to the breakdown of the enforcement of the CEAS and, consequently, put the existence of the Schengen area into question.

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<sup>1</sup> The basic rules of the CEAS are found in two regulations and three directives: Regulation (EU) No 604/2013, Regulation (EU) No 603/2013, Directive 2013/32/EU, Directive 2013/33/EU, and Directive 2011/95/EU.

It should be noted that by themselves the numbers of irregular migrants or the cost of dealing with them do not represent a crisis. Turkey alone received and hosted two or three times more Syrian refugees than those who arrived in the EU in 2015, yet the situation was not characterized as a crisis by either Turkey or the international community. To a certain extent, the branding of every situation or problem that requires decisions as a crisis comes from the global and social media's focus on the spectacular (Cross & Ma 2015). Thus, for example, while at least 22,400 migrants died crossing the Mediterranean since 2000 (Brian & Laczko 2014, p.20), the public outcry and the sense of urgency was brought by an image of a solitary child washed up on a Turkish shore. In this sense, this particular crisis subsided as soon as the global media's attention was captured by new extraordinary and entertaining events, and the dramatic images of migrants moving across the continent stopped flooding the news feeds of Europe's politicians and their voters.

Nevertheless, if crisis is understood as an extraordinary challenge to the existence and viability of a political order (Ikenberry 2008), then the influx of irregular migrants was indeed a crisis for the EU and remained such, even after the media focus shifted elsewhere. The challenge to the EU stemmed from the inability to maintain some of the existing rules due to their cost, and the inability to change those rules due to self-imposed structural normative constraints and disagreements about the nature of the required changes. It bears emphasizing that while dealing with a large number of migrants may be a problem for the most affected countries, the migration crisis is a crisis of the union and not any individual member state or a group of states.

Several dimensions of this challenge can be distinguished. First of all, there is the clash of the professed values and the actual interests, which results from the incompatibility of the

universalizing cosmopolitan ideology and the reality of material and political life in territorial nation-states. To put it simply, protecting the human rights of strangers is not necessarily beneficial to the existence and the health of one's welfare state. The European Court of Human Rights and the Court of Justice of the European Union have set high standards for the protection of asylum seekers' rights by clarifying various issues related to asylum seekers, including the conditions for their reception, detention, living conditions, expulsion, and family reunification (UNHCR 2015c). Courts in member states sometimes choose to raise the bar even higher. For example, Germany's Federal Constitutional Court declared the Asylum Seekers' Benefits Act as unconstitutional in July 2012, ruling that the amount of benefits paid out to asylum seekers in cash was incompatible with the right to guarantee for a dignified minimum existence and that in determining the required amount the legislators may not discriminate between nationals and other residents (BVerfG 2012). Maintaining these high standards means that member states incur high costs even in case of migrants without a legitimate claim to protection, and these costs grow in relation to accepted refugees and migrants granted subsidiary protection. Thus, in Germany, a top destination for migrants entering Europe and a key state for understanding the current migration crisis, the costs of housing, feeding and educating 1.1 million migrants this year were estimated to be over €21 billion (Bellon 2015), i.e. roughly the same as the entire GDP of Estonia. Obviously, the situation and the costs differ from country to country. The point here is to note the dilemma created by the conflicting logics of legally embedded values that are in their nature inimical to discrimination and the political organization of material aspects of life around nation-states that are by nature discriminatory and exclusive.

The conflict between values and interests is a regular feature in both domestic and international politics, which is often resolved

through hypocrisy (Perkins & Neumayer 2010). However, the dilemma is perhaps more acute to the EU than to any state, since the EU has defined itself and has been understood as a normative power (Pace 2007). According to Manners (2002, p.32), the norms that serve as the founding principles of the EU (peace, liberty, democracy, rule of law, and human rights) are not only declaratory aims but are constitutive features of the EU as a polity that give rise to its identity and international agency. It would be much easier to deal with even higher numbers of migrants by lowering or suspending the self-imposed human rights standards. However, in doing so the EU would not merely reduce its legitimacy and increase external operating costs but would undercut the very foundation of its existence (Boswell 2000). Resorting to realpolitik or hypocrisy are neither satisfactory nor sustainable options for the EU as it is today.

The second dimension of the crisis in Europe concerns the fact that not all countries were equally affected by the influx of migrants, resulting in disagreements about the appropriate course of action. The two key factors that explain the difference in the impact of the arrival of migrants are the geographic location and the economic situation of the member states. Located on the Central Mediterranean, Eastern Mediterranean and Western Balkan routes, Greece, Italy and Hungary served as the most common entry point for irregular migrants in 2015, while Germany, Hungary, Austria, Italy, France and Sweden received the largest number of asylum applications (Eurostat 2015). Many other member states, including the Baltic States, were not directly influenced. Furthermore, the affected states differed in their institutional and economic capacity to absorb migrants, which can at least partially explain the difference in the policy preferences and actions among these states. For example, unlike most other EU countries, Germany had a budget surplus of €18 billion (0.6% of the GDP) in 2014, the lowest unemployment rate in Europe, and

about 589,000 unfilled positions in the labour market in July 2015. Given the widespread realization that the future health of the German economy depends on immigration, initially asylum seekers were perceived as an opportunity, and not just a burden or a threat (Dettmer, Katschak & Ruppert 2015). While Chancellor Merkel's sudden announcement of an open-door refugee policy in early September was almost immediately recognized as a lapse of political judgment by the political elites in Germany, it is in Germany's interest to have a steady controlled inflow of migrants. The situation is very different in Greece, which is confronting the worst economic crisis in its modern history and where the rate of unemployment hovers around 25%. Greece's interest was therefore to stop the inflow of migrants and reduce their number in Greece. Consequently, Greece was not eager to register all the arriving migrants or impose controls over their movement in accordance with the Dublin system without a firm commitment by other EU states for their subsequent relocation. Given the unpopularity of the austerity measures imposed on Greece by German politicians, Greece may have derived a certain amount of *schadenfreude* from the knowledge that the majority of migrants are transiting to Germany; however, the actions would have likely remained the same even in the absence of this prehistory.

The third dimension of the crisis that can be noted here is the incomplete nature of the European Union's integration, as well as uncertainty and disagreements about its future. In this way, the migration crisis is comparable to the EU debt crisis, which to a large extent resulted from the transfer of the monetary policy to the EU while leaving fiscal policies to member states. The CEAS is a similar halfway house.<sup>2</sup> The determination of asylum procedures,

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<sup>2</sup> The CEAS is largely disconnected from the EU's external migration and asylum policy, which consists of a confusing disarray of instruments, institutions and policies loosely aligned under the Global Approach to Migration and Mobility (GAMM) since 2005. While there is an obvious link between problems in the CEAS and the GAMM, the

criteria, and reception conditions have been transferred to the EU level, yet the application of these procedures is left to the member states, which in practice results in a patchwork of diverse asylum systems, rather than a common one. Asylum decisions are made not by an EU institution but by individual member states, which means that asylum applications are subject to domestic politics. In 2013, for example, Greece made 13,305 asylum decisions, of which 11,335 were negative, while Sweden made 39,905 decisions, of which only 9,255 were negative (Eurostat 2015). There is mutual recognition of negative but not positive asylum decisions. There is the Dublin system, which requires that asylum seekers stay in the country of first entry, but no functioning system that would regulate their subsequent relocation and distribution among the member states. Asylum seekers and those granted asylum are theoretically entitled to the same rights (food, shelter, access to medical services and schools), yet in practice the packages of rights and benefits offered by different countries vary enormously across the EU. Thus, for example, in some countries they receive help in finding a job and can begin working while their application is still pending, and in others they cannot; in some countries they receive over €300 per month, while in others only €10 etc. The lack of centralization in the funding and implementation of the CEAS creates powerful incentives for the internal flows of migrants seeking asylum and opportunities for buck-passing among member states, thereby undermining the very purpose of the system.

It could be argued that crisis is integral to European integration. This logic is clearly captured in the neofunctionalist concept of spillover – ‘a situation in which a given action, related to a specific goal, creates a situation in which the original goal can be assured only by taking further actions, which in turn create a further condition and a need for more action and so forth’ (Lindberg

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scope of this article does not allow for a meaningful discussion. See Andrade, Martin, Vita & Mananashvili 2015.



1963, p.10). Thus, an increased number of irregular migrants and asylum seekers can create a functional spillover and a preference for greater EU involvement further as well (Andersson 2015). From a functionalist point of view, the migration crisis is a normal stage in the process of integration and the predictable response will be to transfer more sovereignty to the supranational level by, for example, assigning external border control to an EU agency and harmonizing or even centralizing the implementation of asylum policies. Crises have a place in the competing intergovernmentalist theories of European integration as well. Internally, the perception of a crisis can help political elites overcome sources of domestic resistance, while externally, major states will find it easier to organize coalitions and impose their preferences on others. From an intergovernmentalist point of view, however, solutions to a crisis may not necessarily produce more integration but can lead to disintegration as well.

### **Solutions to the crisis**

It is clear that the existing coverage of European rules in the area of migration has constrained the ability of individual EU states to respond effectively to the increased numbers of irregular migrants but does not enable a joint response. It is less clear at the moment whether the crisis will lead to further integration or to a rollback. On the one hand, discussions included mandatory and permanent quotas for sharing the distribution of asylum seekers, EU participation in the enforcement of external border controls, and a special EU-wide levy to fund the policies, all of which are integrative measures (Traynor 2015). On September 22, the Council adopted a temporary emergency mechanism for the relocation of 160,000 asylum seekers from Italy and Greece. On the other hand, despite the urgency attached to this agreement, only 116 asylum seekers were actually relocated by November (European Commission 2015b). Poland's new government, elected

on an anti-immigrant platform, declared that it could no longer participate in the relocation scheme due to the possibility that migrants may include terrorists, and Slovakia and Hungary announced that they would challenge the mandatory quotas in the Court of Justice. Equally importantly, the Dutch government was reported to hold discussions on the creation of a mini-Schengen that would consist of the Benelux, Germany and Austria; rumours were floated that the EU might suspend Greece from the Schengen zone; and Germany threatened to cut access to EU funds for countries that refuse mandatory quotas.

A clear and functioning mechanism for the relocation of asylum seekers is vital for the survival of the Dublin system, while its replacement with an alternative system is likely to be a long and contentious process. However, the German-led attempt to salvage the Dublin system by means of providing additional funding and personnel for the operation of reception facilities in the borderline countries, and to persuade, shame or intimidate the reluctant member states into agreeing to a permanent relocation scheme has not yet succeeded. The intensity and tone of arguments carried out in public reflect not only the difficulty of decision-making in the enlarged EU but also a certain integration fatigue. The rise of populist and extreme right-wing parties across most countries in Europe and the growth of Euroscepticism due to the global financial and Eurozone crises (Torreblanca & Leonard 2013) have created a toxic environment in which the ongoing migration crisis may not necessarily result in further integration at this time.

Externally, the EU has been somewhat more successful. Since the main reason for the crisis is the massive influx of irregular migrants over the past two years, which led to the breakdown of the existing rules for dealing with them, and since it turned out to be difficult to adjust those rules due to the constraints of values and the conflicts of interests, the EU attempted to reduce the

inflow. In addition to the long-standing efforts to reduce irregular migration by means of cooperating with migration sending and transit countries (Boswell 2003), a series of new actions were undertaken. Some of these included boosting the EU's border control. For example, the 30-kilometer long border fence between Bulgaria and Turkey, which was constructed in January 2014, was extended by an additional 130 kilometres in 2015. The Italian search and rescue Operation Mare Nostrum, which rescued over 150,000 migrants in a single year (Ministero della Difesa n.d.) and therefore became a major pull factor, was replaced with the EU's Frontex's Operation Triton, which focused on border patrol and surveillance, and a military naval mission, which is supposed to target Libyan smugglers. Other actions aimed at outsourcing border control or migration management to third countries. Thus, during the Valetta Summit on Migration with various African heads of state on November 11-12, the EU discussed conditionality of development aid and launched a €1.8 billion fund to procure control over major African migration routes to Europe and to enforce return and readmission agreements. Negotiations with Turkey produced a Joint Action Plan on November 29 (European Commission 2015a), whereby the EU pledged €3 billion, visa liberalization, resumption of the EU accession process, resettlement to the EU of some of the refugees in Turkey and acquiescence to human rights violations in Turkey in exchange for stemming the influx of irregular migrants and enforcing the existing return and readmission agreement.

These and other external actions undertaken by the EU in relation to the migration crisis are likely to be successful in the short-term and reduce the number of irregular migrants that would have come next year. However, for a number of reasons, they are unlikely to stem the flow or contribute to a lasting solution to the irregular migration problem. One immediate problem with outsourcing border control and refugee protection to other states is not only

that it has the potential to become a major exercise in hypocrisy but also that it creates dependencies that are both unpalatable and unstable. To put it simply, the EU opens itself to blackmail (Greenhill 2010) and even regular payments cannot ensure the desired outcomes. Thus, for example, the foreign minister of Sudan, whose president is wanted for genocide, war crimes and crimes against humanity by the International Criminal Court, lost no time during the Valetta Summit to demand that the EU funds the management of its 383-kilometer frontier with Libya. The desperate bargain struck with Turkey can be easily disrupted by Turkey's tendency to overplay its hand, tensions with Greece and Cyprus, domestic politics, lack of progress in EU accession or a number of other developments. A major gap remains in Libya, where the chaos meant that the EU's Border Assistance Mission, endowed with €26 million per year, was stranded in neighboring Tunisia and could not even begin its official task of advising and training the Libyan coast guard (EUBAM Libya 2015). While the UN has been reporting widespread torture, cruel, degrading and inhumane conditions, as well as racism in Libya's detention centers of both Tripoli and Tobruk governments since 2011, the EU and Italy had to continue funding them (Human Rights Watch 2014).

Can the numbers of irregular migrants be kept down more permanently? A more stable solution would require ending the conflicts in Libya, Syria, and Iraq, as well as Eritrea, Afghanistan, and Mali – the countries of origin for most asylum applicants to Europe. Situations in Syria, Libya and Iraq are the proximate causes of the surge in the numbers of migrants. The fighting in Libya is not likely to end soon, and the overall stability and institutional capacity of the country will not improve to the point where it would be able to enforce effective border controls and reign in the smuggling business in any nearest future (Toaldo 2015). The tangle of incompatible global, regional and local interests in Syria makes it difficult to even hope for a lasting

resolution in the coming years. The most likely scenario at the moment is the fragmentation of Syria and Iraq into several unstable quasi-states, but even that would take time. However, the distal causes of migration are even less likely to be eliminated or even constrained through “ordinary” measures, much less those that are focused on dealing with the proximate causes. High population growth; poverty, inequality, and corruption; climate change, which brings acute water and food shortages and is likely to make parts of the Middle East and Africa uninhabitable by the end of the century; and the nature of fourth generation wars which target civilians – the mutually reinforcing combination of these long-term drivers of migration will ensure endless supply of irregular migrants to Europe. Paradoxically, the more successful the EU is in fostering peace, stability and prosperity on the continent, the more migrants it will attract from neighboring regions. In short, irregular migration will remain at the top of the EU’s agenda for the decades to come.

### **Migration crisis and Baltic security**

How does the ongoing EU migration crisis affect the Baltic States and, specifically, their security? The answer to this question depends on both the choice of the referent object of security and the actions of the decision-makers. Several perspectives can be distinguished here: threats to the existence of the state; terrorist threats; threats to the economy; and threats to societal identity.

Russia remains the only source of existential threats to the states of Lithuania, Latvia and Estonia, and the Baltic States are not and will never be able to address this by themselves. The fact is that, regardless of the level of investments into their defence, the Baltic States will for the foreseeable future remain net security consumers, dependent on the great powers for their survival. Bandwagoning is the only rational foreign policy and security choice of the Baltic States and, in this regard, membership of

NATO is more important than membership of the European Union, and relations with the US are more consequential than relations with Germany. Nevertheless, the EU provides a vitally important additional layer of protection against Russia, especially since most EU member states are also part of NATO. Thus, the greatest threat to the state security of the Baltic States is that the migration crisis weakens the EU as an entity that is capable of coherent, principled external actions in its neighbourhood. Firstly, in order to accelerate the search for a solution in Syria, Germany and France will be tempted to normalize relations with Russia at the expense of Ukraine. Such a scenario would essentially mean tacit acknowledgement of Russia's claim to a special sphere of influence in the post-Soviet space – an unfavourable development for the Baltic States. Secondly, the likely disagreements between Germany and Poland over the mandatory refugee quotas presage a possible dilemma, especially for Lithuania. Both Germany's approval and Poland's cooperation and goodwill are essential for energy infrastructure projects that are important for both security and the economy.

The media in the Baltic States has done a terrible service to the public and the decision-makers by obfuscating the relation between asylum seekers and terrorist threats, and blowing the latter out of proportion. If there is a link between terrorism and irregular migration, it is that the latter causes the former – a great many of migrants are escaping state and non-state terrorism. The collapse of border controls does create the danger that some terrorists could enter the EU unnoticed; however, this is a problem of border control, not of migration, and this is not a problem for the Baltic States at all. Furthermore, a sense of proportion is necessary when discussing any increase in the threat of terrorism. Terrorism does not and cannot present an existential threat to the state and, in the larger perspective, is not more disruptive to public order and safety than most other violent crimes. The loss of life as

a consequence of any attack would be infinitesimal in comparison to the yearly statistics of deaths due to murders, suicides, traffic accidents, or diseases. In short, the migration crisis does not significantly increase the current level of terrorist threats to the Baltic States.

The economic impact of the migration crisis on the Baltic States is negligible under most conceivable scenarios. According to the European Commission's proposals regarding the emergency relocation mechanism, Lithuania agreed to receive 1,105, Latvia – 776, and Estonia – 525 asylum seekers from Greece and Italy over a two-year period. The EU will give €6,000 for each person received. Since the migration crisis is ongoing, these numbers are likely to grow. However, even assuming that the numbers grow twenty-fold and that all the relocated asylum seekers stay in the Baltic States, this does not represent a significant burden on the budgets. Again, it helps to put these numbers in perspective. Since joining the EU, all the Baltic States have been net receivers of EU support, i.e. they got more money from the EU budget than the amount of their contribution. For example, in 2013, EU funding in Lithuania was to €1.9 billion, in Latvia – €1.1 billion, and in Estonia - €973 million. The Baltic States remain net recipients during the budgetary period of 2014-20. If it helps to think in these terms, decision makers should recall that about 15% of this money comes directly from Germany's contributions to the EU budget.

Finally, perhaps the most sensitive issue about the proposed relocation of migrants to the Baltic States has been their origins and the ostensible threat it poses to the Baltic societies. For example, a survey conducted in Lithuania in October 2015 revealed that 61.3% of respondents were opposed to the government's decision to accept refugees, mostly because they did not think that these were legitimate refugees, did not believe that

Lithuania would be able to integrate them and were worried about the scale of migration to Europe (Spinter Research 2015). Since previous opinion surveys showed that emigration from Lithuania was viewed overwhelmingly positively, it follows that it is not migration as such but migration from outside of Europe that causes concern and disapproval. More research on the sources of xenophobia is needed but it can be suggested that it has a lot to do with the barrage of negative information about migrants in other EU countries in the media. This fear of immigration is irrational. The demographic situation in the Baltic States is the worst in Europe and among the worst in the world, and could not be described as anything but a disaster in progress. The region went from almost 8 million people in 1990 to less than 6.5 million in 2013. It would not be a great exaggeration to claim that the Lithuanians, the Latvians and the Estonians are slowly growing extinct. From the perspective of demographics and the future prospects of the economy and the society, migration to the region ought to be welcomed and encouraged. This being said, even if the nineteenth-century ideal of racial and ethnic purity and homogeneity is embraced and the benefits of an increased population are rejected on that basis, it is inconceivable that one or even twenty thousand asylum seekers could change the life of the titular nations in the Baltic States or cause an upsurge in violent crimes as is widely feared. In any case, the greatest threat posed by the arrival of asylum seekers from the Middle East and Africa is that the issue will be securitized and abused for petty political gains, thereby fostering racism and xenophobia.

To recapitulate the argument in the article: the ongoing migration crisis is about the breakdown of rules caused by the clash of values and interests, as well as between the differing interests of the member states. It is a crisis of the European Union, which itself can be viewed as a collection of various sets of rules that embody both foundational values and the outcomes of previous bargains



between its member states. While the numbers of irregular migrants can perhaps be contained in the short-term albeit at the expense of values in external relations, migration to Europe cannot be stopped, and the EU will have to adjust the rules for dealing with it in order to avoid continuous crises that threaten its existence. For the Baltic States, the response to the migration crisis does not represent a dilemma – there is no conflict between values and interests. The contribution that the Baltic States can make in overcoming this crisis is small and not decisive. In practice, this calls for support for proposals that address flaws in the existing European asylum system by expanding, rather than dismantling rules. It also means avoiding the escalation of disagreements to the point where the major states are forced to defend their interests by resorting to threats, variable geometries, or leaving the normative framework of the EU. It is in the interest of national security to seek that the EU emerges out of this crisis stronger and more integrated, rather than weaker.

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